

Studies of
the Royal Commission
on the Status of Women
in Canada

Cultural Tradition and
Political History of
Women in Canada

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Three essays by
Margaret Wade Labarge
Micheline D.-Johnson
Margaret E. MacLellan



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**Cultural Tradition and
Political History of
Women in Canada**

The Cultural Tradition of Canadian Women:
the Historical Background
by Margaret Wade Labarge

History of the Status of Women
in the Province of Quebec
by Micheline D.-Johnson

History of Women's Rights in Canada
by Margaret E. MacLellan

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THE CULTURAL TRADITION OF CANADIAN WOMEN:
THE HISTORICAL BACKGROUND

BY

Margaret Wade Labarge, B. Litt.



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INTRODUCTION

A brief historical summary of the cultural tradition inherited by modern Canadian women must concentrate on the legacies of those societies that have been most influential in forming our own patterns of thought and behaviour. We have inherited philosophical, legal and theological concepts from the ancient world of Greece, Rome and Israel, as well as legal structures developed in Europe during the Middle Ages and maintained and modified over the centuries. It has seemed right to put particular emphasis on the French and English patterns and values, since so many of our social attitudes as well as our laws have been drawn from these mother countries. Although Canada has also been enriched by a multiplicity of national traditions brought in by the great surge of immigration during the 19th century, the resulting ethnic groups, despite their great local importance, have not set the general social climate of the country. Finally, it has seemed important to illustrate the mutations that Canada imposed both on its European models and on the ideas that it borrowed from the United States, with which it shared an understanding of frontier conditions and a considerable exchange of population.

The cultural influences that originally ordained a subordinate position for women have long and complex roots. Although their earliest genesis may be attributed to the biological handicaps from which women suffered in nomadic life and the basic importance of physical strength in primitive societies, inequality soon became justified in more philosophical terms. Philosophy, however, has usually managed to permit the simultaneous existence of contradictory statements, and this has certainly been true on the subject of women where abuse and admiration have consistently coexisted.

Women are burdened with the weight of inherited customs, attitudes and laws. These mainly invisible pressures have strongly influenced, if they have not in fact dictated, both women's own understanding of their place in society and men's attitudes towards women and their activities. However, a distinction needs to be made between "woman" as she is described in theory at any particular time and those individual women who can be observed actively functioning in that same society. The abyss between theory and practice is often both wide and deep,

and what was said should not automatically be equated with what was done. Of course, it was usually the most important and dominating women who left a historical record, but even in Greek and Roman times it is possible to get at least a glimpse of the common woman, as well as the common man. As the centuries pass, the average woman leaves more and more visible traces in the records. Because the present situation of women has been shaped by so many historical factors, a true understanding of the privileges and deficiencies of women's status in Canada requires some knowledge of this cultural tradition.

It is often hard to draw the line between history and current events, between the rightful province of social history and that of sociology, but in this case there seems to be a logical dividing line. Woman suffrage was indeed an important landmark, but even more decisive for Canada was the 1929 decision of the British Privy Council, on an appeal from the Supreme Court of Canada, which stated that "the word persons includes members of the male and female sex," and that therefore women were entitled to be summoned to the Senate.^{1/} The formal Canadian acceptance of women as entitled to all the rights and privileges, as well as the responsibilities, that accompany the suffrage, marks the great divide between past and present.

^{1/}
Cleverdon, C.L. The Woman Suffrage Movement in Canada.
University of Toronto Press, 1950. p. 154.

The Place of Women in Antiquity

Three of the civilizations of antiquity have given Western man most of his intellectual inheritance. Many of our ideas of philosophy spring from Plato and Aristotle, much of the basic foundation of our law from Rome, and of our theology from the Hebraic roots of Christianity. In describing these civilizations it is unwise to treat them as monoliths. In each case there was development and shift in attitudes over the centuries, as well as notable variations between accepted theory and acknowledged practice.

Ancient Greece has always been regarded, with much justice, as a masculine society. In fact, the Greek city has even been described as "a men's club".^{1/} Hesiod, the primitive poet, suggested the Greeks' utilitarian view of women when he described the essentials for life as: "First and foremost a house and a wife and an ox for the ploughing." This order of precedence was emphatically supported by Aristotle three centuries later when he quoted Hesiod approvingly, and insisted that woman's essential virtue was subordination.^{2/} Unfortunately his biology, which was the accepted authority for centuries, was as antifeminine as his philosophy. Aristotle taught that woman's part in generation was purely passive, the womb serving only as a shelter. Woman herself was a misbegotten and defective male resulting, in his belief, from some deficiency in the male seed or the unfortunate effects of a moist south wind.^{3/} Thucydides, the great Athenian historian, when he recorded Pericles' speech at the state funeral of those lost in the Peloponnesian War, had only one sentence for the sorrowing widows: "Great will be your glory in not falling short of your natural character;

^{1/}

Marrou, H.I., A History of Education in Antiquity. (Mentor Books) New York, New American Library of Canada, 1964. p. 59.

^{2/}

Aristotle, Politics. trans. by B.Jowett and T.Twining. New York, Viking Press, 1957. Pp. 1, 2 and 5.

^{3/}

Aristotle, De Animalium Generatione. trans. by A. L. Peck (Loeb Classical Library) London, 1953. II, p. 3.

and greatest will be hers who is least talked of among the men whether for good or bad."1/

But these negative opinions, and the recognition that women had no share in the public life of the city, do not represent all the Greek belief, nor do they do justice to the growing freedom and education for women which developed in the Hellenistic period. Plato planned to include women among the guardians of the state and to provide them with the same education as men for, he said, women varied as much in their aptitudes as men and were distinguished only by being weaker.2/ Xenophon wrote a little treatise on the care and training of wives which is rather patronizing but nevertheless lays great stress on the wife's importance and utility for the peaceful and prosperous ordering of the household. The retort of the onlooker who listens to the praises of this paragon of wives has a familiar ring: "your wife has a truly masculine mind!"3/ But it is above all the dramatists who convince us that not all Greek women could have been merely superior and silent servants, confined to the house, uneducated and unconcerned. Medea and Antigone, for example, dominated the tragedies to which they gave their names and the dramatists portrayed them as forceful personalities who upset the societies of their day. In fact, Euripides put Medea's claims so sympathetically that her songs and speeches were recited by the militant suffragettes in England to hearten themselves during their meetings.4/ Lysistrata, in Aristophanes' comedy, was an eloquent and loquacious speaker, the original and effective organizer of peace demonstrations. She suggested

1/
Thucydides, The Complete Writings. trans. by R. Crawley, intro. by J. Gavorse. (Modern Library) New York, Random House, 1934. p. 109.

2/
Plato, The Republic. trans. by A. D. Lindsay. (Everyman Edition) London, J.M. Dent, 1945. Bk. V.

3/
Xenophon, Memorabilia and Oeconomicus. trans. by E.C. Marchant (Loeb Classical Library) London, 1959. X, p. 1.

4/
Murray, Gilbert, Euripides and His Age. London, (Thornton Butterworth, 1913) reprint 1965. p. 44.

that wives should shut themselves off from their husbands until the men made peace, and her campaign was so successful that it was she who dictated the peace terms.^{1/}

Such examples suggest that all Greek women were not silent, ignorant and ignored. Nevertheless, the influential Aristotle reinforced a general emphasis on a low esteem for marriage, the distinct subordination of women, and their total separation from political and intellectual society. When the Greeks later played an important part in Roman education they passed on their own philosophical ideas, including those on the position of women, but they encountered a very different pattern of society.

Roman life put much less emphasis on masculine friendship than had the Greek, and glorified the concept of the family. Most conservative Romans--like conservatives of any period--idealized a past golden age when the old Roman matron, austere and self-controlled, completely subject to her husband, still held an honoured and busy position in the family. In fact, change had already begun by the 3rd century B.C. The old strict forms of marriage were gradually superseded, women gained almost total control of their own property, and, more and more, girls received the same education as boys. Roman women exercised a powerful influence in public affairs, too, and not always for the good. Livia gave useful counsel to the Emperor Augustus, but Agrippina and Messalina by their unbridled intrigues and vicious pursuit of pleasure built reputations for evil which equalled even that of the unsavoury Nero. This kind of feminine political influence was not restricted to the upper classes, but also appeared in provincial administration where the wives of generals and governors had a considerable voice.

Naturally such freedom for women stirred up opposition. The satires of Juvenal are amusing proof that many complaints against women appear to be timeless. He complained, for example, about the havoc wreaked by mothers-in-law, about how intolerable a rich woman was, "worse still is the well-read menace".^{2/} Other Roman writers were not so virulent.

^{1/} Aristophanes, Lysistrata in Works v. III (Loeb Classical Library) London, 1950.

^{2/} Juvenal, The Sixteen Satires. trans. by Peter Green, London, Penguin, 1967. VI, 1. p. 434.

Tacitus praised the German women, probably to underline their primitive virtues which he felt the Romans lacked, but Pliny the Younger in his letters sketched real people. His eulogy of Fannia, who was twice exiled with her husband and once banished because of him, not only emphasized her virtue and her energy, but insisted that she was also charming and kind and "loved as much as respected".^{1/} The evidence of the contemporary historians and authors indicates that by the end of the Empire Roman women were, in fact, remarkably emancipated compared to other women of antiquity.

However, the most permanent influence of Rome was to be exercised through its code of law. Here again there was a long process of development and change from the early enactments of the Republic to the final crystallized body of laws which was gathered together in the 6th century at the order of the Emperor Justinian and was known as the Corpus Juris Civilis. In early Roman law the position of the husband and father, the paterfamilias, was extraordinarily powerful. An undisputed domestic judge, he had complete control over his wife, could order the exposure of infants, could sell his children into slavery or civil bondage, could kill his son for certain transgressions, could veto marriage and control divorce, as well as hold almost all the property rights belonging to anyone of the family. During the ensuing centuries most of these powers were lost or abridged. A woman was gradually allowed to inherit by will, although the property was frequently put under some form of trust so that she was not totally independent. Officially a woman remained under perpetual guardianship according to the formalities of the law, but this impediment was bypassed by the creation of nominal guardians who could not refuse to act on a woman's request. Gaius, one of the great Roman lawyers, says that this perpetual guardianship was due to the "lightmindedness" of women, but then rather gallantly remarks that this argument is "more plausible than true".^{2/} Where the early law had also denied the capacity of women to make a will, by the time of Hadrian women were

^{1/}

Pliny the Younger, The Letters. trans. by W. Melmoth, revised and corrected by F.C.T. Bosanquet. London, Collier, 1908. VII, p. 19.

^{2/}

Buckland, W.W., A Textbook of Roman Law from Augustus to Justinian. 3rd ed. rev. by P. Stern. Cambridge University Press, 1963. p. 165.

allowed to devise, although they needed the consent of their guardians. In fact, by the 4th century the Roman woman had gained valuable rights and almost practical equality, although in theory and the strict terms of the law her position was still noticeably inferior.

To our inheritance of the philosophy of Greece and the laws of Rome are added the theological thunders of Israel. Most of our knowledge of ancient Israel comes from the Old Testament with its clear portrayal of a primitive and nomadic society where polygamy was practised, where woman was inferior, and where her legal rights were few and difficult to enforce. But Hebrew society seems to have had much the same contradictory attitude towards women that has already been visible in Greece and Rome. The legal position of women in Hebrew society left much to be desired, but their social position seems to have been one of considerable dignity. There are some extraordinary women described in the Old Testament: Sarah and Rachel, the respected wives of the patriarchs; Esther, who saved the Jews by her wisdom and ability with Ahasuerus; Deborah, the prophetess, who led a victorious Israelite army against the Canaanites. Contrasted with these vivid portraits, much of the wisdom literature of the Old Testament--Proverbs especially--exhibits a strong strain of misogyny. There is a frequent harking back to the responsibility of Eve for the departure from the Garden of Eden, much emphasis on the constant temptations by seductive women, and the usual diatribes against a nagging wife. The rabbinical literature and the apocrypha exhibit this misogynous strain even more clearly. Men must have mothers, so women are a necessary evil, but daughters are a disadvantage and the Talmud piously exclaims: "Blessed be God who has not made me a heathen, a slave, or a woman."^{1/} Yet it is also in this same wisdom literature that we find the magnificent portrait of the valiant woman "whose works tell her praises at the city gates".^{2/}

^{1/}

Prohl, R.C., Woman in the Church. Grand Rapids, Mich., Wm. B. Eerdmans, 1957. p. 50.

^{2/}

Proverbs 31:31.

Christianity and Its Effect on The Status of Women

The original impact of Christianity on the ancient world was minimal. To most of the contemporaries of Jesus and the Apostles this new sect was merely another of the mystery religions which then abounded throughout the Empire. But Christianity soon proved itself more than a minor sect: it grew rapidly in numbers and influence despite frequent persecutions in the 4th century; when the Emperor Constantine himself became a Christian and decreed official acceptance of the Christian religion throughout the Empire, Christianity moved into the mainstream of political importance and cultural influence.

Christ's teachings had considerable effect on the status of women, although their later elaboration by the theologians tended to be strongly dualistic. Jesus emphasized in his gospels the equal value of every human soul, rich or poor, male or female. He was as concerned with the outcast Samaritan woman as with the rich young Jew. There is in his teaching no trace of the misogyny so common in the earlier Hebraic literature, and his relations with women, as described in the New Testament, illustrate an acceptance of them as equal and worthy individuals. But the men who interpreted the mind of Christ to the infant church--first and most importantly Paul, then Augustine and Jerome--were not only followers of Jesus, they were also men of their time and culture. Unconsciously perhaps, they were strongly influenced by their own experience and by their inherited tradition of the necessary subjection of women. Paul displays this dichotomy particularly clearly. He emphasizes the mutual love necessary between husband and wife, compares the bond between them to that between Christ and his church, even insists that in Christ there is neither male nor female, but at the same time he insists on the subjection and silence demanded of women. Above all, influenced by the new element of asceticism introduced by Christianity, he regards marriage as a poor second-best to virginity.

These inherent contradictions in Paul herald the continuing Christian dilemma. The early fathers found it very difficult to strike the balance between their emphasis on the importance and indissolubility of monogamous marriage and their praise of virginity as inherently a better thing. This stress on virginity, for both men and women, often trapped the fathers

into an obsession with women merely as sex objects, a constant source of the greatest temptation to men and therefore evil. Augustine, probably the greatest and most influential of all the early fathers of the church, illustrates these tendencies most clearly. Before his conversion Augustine had been a Manichaeon, one who believed that anything to do with the flesh was essentially evil. When he became a Christian he accepted, and taught with fervour, the belief of the church that marriage was good and sanctified by a sacrament. But, in his old age, his distrust of the sexual side of man's nature made him insist that the only legitimate use of intercourse in marriage was for immediate procreation, anything else was a weakness and even a sin. He also argued that virginity was superior to marriage, and that even married couples could achieve salvation more easily if they abstained from sexual relations. Generally, Augustine regarded women as the weaker sex, blamed Eve for her weakness in listening to the serpent in the Garden of Eden, but did not lay all the blame on her. His attitude seems to have been that concupiscence and the lack of equality in the world both sprang from the effects of original sin, and weighed heavily upon all men and women because of their inherited share of the sin of Adam and Eve.

Jerome, the irascible hermit who translated the Bible into Latin, was more intemperate than Augustine. His letters not only show his enthusiasm for those men and women who adopted a life of consecrated virginity but also pour scorn on those who abandoned the ideal to marry. Since Jerome had an extensive vocabulary of denunciation and a brilliant satirical pen, his letters gained great popularity and served as a useful armoury for later antifeminists. More importantly, however, Jerome occasionally manipulated the text in his translation of the Bible to suit his prejudices. Both the book of Tobias and the story of Onan in Genesis have been slightly altered to bring them in line with the Stoic-Jewish emphasis on procreation as the sole justification for intercourse.^{1/} When Chaucer's Wife of Bath was attacking masculine prejudices she naturally put Jerome at the head of her list--their feelings on marriage sprang from very different roots.

^{1/}

Noonan, J.T., Contraception, a History of its Treatment by the Catholic Theologians and Canonists. Cambridge, Mass., Harvard University Press, 1965. pp. 80-1, 101-2.

Women in The Middle Ages

Christian theology, Roman law, and Greek philosophy were all part of the heritage of mediaeval Europe. Yet it must be remembered that the phrase, "the Middle Ages," covers a period of more than a thousand years and a patchwork of lands where tribal customs and the development of law varied greatly. Generalizations are perilous and subject to many qualifications. The barbarian invaders had brought to Europe a tradition of rough equality and liberty for women, though the emphasis on physical strength and warlike prowess had necessarily put women in a somewhat subordinate position. As the barbarians settled into their conquered lands they took over many of the laws and attitudes they found among the indigenous population. They became slightly Romanized and ultimately Christianized which brought them into contact with the heritage of the ancient world. It is not really until the 12th and 13th centuries that we are able to generalize with some clarity about the position of women in mediaeval society.

The attitude towards "woman" in the Middle Ages was marked by extreme duality, not only in religious but also in secular terms. The elaborated structure of Catholic theology recognized two legitimate states of life for women--they could be wives or they could be nuns. This new acceptance by society of the single woman had secular as well as religious consequences. Some nuns were among the most intelligent and capable women of their time, and life in the convent left them free to develop their administrative abilities and business skills, as well as giving them considerable prestige. There was the abbess Hilda of Whitby in the 8th century who ruled a monastery as well as a convent, saw to the education of five bishops, encouraged the scholar and historian Bede, and even aided the cowherd Caedmon whose moment of vision flowered into the first English poetry. There was the German Hildegard of Bingen, who was not only a scholar and a playwright, but also designed and supervised a proper plumbing system for her convent. Catherine of Siena, in the 14th century, lived a religious life in her own house and was acclaimed throughout Italy for her charity and holiness. Her advice was sought by the rich and powerful and she did not shrink from telling attentive popes exactly how they should mend their ways. Such women were obviously recognized as important in the life of their times.

The position of the wife was less untrammelled. The church and its preachers constantly reminded her of her duty

of obedience and held up to her the ideal of Patient Griselda who obeyed her husband no matter what the provocation. Nevertheless the canon law of the church upheld the rights of the married woman. It encouraged the practice of the dowry, so that the wife would not be left penniless on the death of her husband. It heard cases involving widows before the ecclesiastical courts, on the grounds that most widows were poor and could not afford to plead before the king's courts. The ecclesiastical courts also dealt with all matters regarding marriage and wills. Common law argued that a married woman had no ability to make a will, since legally her personality was completely submerged in that of her husband, but canon law refused to recognize this restriction. The church encouraged wills as a means of insuring that debts were paid, and also because gifts were made for the good of one's soul, usually to the church. In England, for example, until the end of the 14th century, when the common law tradition became too strong, married women with living husbands made wills and these wills were admitted to probate.^{1/}

At the same time as the church encouraged these notions of equity and moderation, it also harboured two currents of extremism among the clergy. One was the new development of the emotional cult of the Blessed Virgin, which began in the 12th century and paralleled the secular development of courtly love. The extraordinary honours to Mary, which have added so enormously to our artistic heritage from the Middle Ages, implied an especial respect for women, but only as a nonsexual being. On the other hand, there was a consistent and often virulent antifeminist tendency both on the philosophical and the popular levels. The emphasis on celibacy and virginity, and the gradually enforced requirement that clerks should not marry nor live in open concubinage, encouraged efforts to portray women as unpleasant and dangerous beings, a constant source of physical temptation who could cut ambitious men off from the avenue of advancement which the church offered. For clerks--as in the case of Abelard and Heloise--feminine affections offered only disaster. Compilations of the most notable anti-feminist texts, culled over the centuries, appear to have circulated quite generally through the universities, then reserved for clerks. One of the most intemperate of the attacks illustrates the general tone of this propaganda:

^{1/}

Sheehan, M.M., "The Influence of Canon Law on the Property Rights of Married Women in England", Medieval Studies XXV (1963). pp. 109-24.

What is woman? Woman is the confusion of man, an insatiable beast, a continual worry, a never-ending battle, a daily injury, a house of fury, an impediment to chastity, the shipwreck of incontinent men.1/

The philosophers were less intemperate, but equally uncomplimentary. They were much influenced in their treatment of women by the thought of Augustine and of Aristotle. Both these men had emphasized the subordinate position of women. In the 13th century, Thomas Aquinas, the most influential of all mediaeval philosophers, was less extreme than many. In those sections of his Summa Theologies which deal specifically with women he constantly sought a way to circumvent Aristotle's flat statement that woman was merely a misbegotten male, and that therefore in a state of perfection she would never have existed. Thomas argued that woman was an essential helpmate to man in the work of generation--although he refused to admit that she could be a real help to him in any other way--and thus was an essential part of the order of creation. According to Thomas, women had no jurisdiction over men, but neither were they men's slaves--woman was drawn from the side of Adam to serve as his helpmate.2/

These contradictory currents of denigration and exaltation also existed in secular literature. The new heroines of romance praised by the troubadours were as remote from the reality of mediaeval women as those "insatiable beasts" of whom the clerics spoke. The bourgeois of the rising towns were almost as brutal as the clerks in their treatment of women in the fabliaux or stories, but their broad humour spared none of their contemporaries.

The actual position of women in mediaeval society did not necessarily correspond to any of the extreme theories. When we look at what can be determined of women's actual place

1/

Pratt, R.A., "Jenkyn's Book of Wikked Wyves: Medieval Antimatrimonial Propaganda in the Universities", Annuaire Medievale (Duquesne Studies) III, 1962. pp. 26-7.

2/

Aquinas, Thomas, Summa Theologica in Basic Writings of Thomas Aquinas. ed. and annotated by A.C. Pegis. New York, Random House, 1945. pp. 92 and 99.

and activities it is obvious that there was much variation, generally in relation to their place in the social structure. No matter what the law decreed, the poorest peasant and village women managed their own affairs, inherited freely, and showed no practical marks of subordination. In the towns too, many women had earned their independence as heads of commercial enterprises. Even if married they traded as single women and were free to make contracts and buy goods without the assent of their husbands. So normal was it for women to be involved in such commercial endeavours that one author even suggested to men that it was wise to encourage their wives in a business or a craft, as it kept them from talking too much and bothering their husbands.^{1/}

The woman of the upper class, who was the heiress to valuable land, was in a much more restricted position. Under the feudal system all land owed military service to the lord from which it was held. It was imperative for his security that this service should be performed by someone favourable to him, and he had a natural interest in whom the heir married. The wealthy woman was a good deal of a pawn in the hands of her lord since feudal practice allowed the buying and selling of marriages and the wardships of minor children as a means of acquiring land and wealth. However, these same women, who could in effect be sold off to the highest bidder, still had considerable actual power. They ran large and complicated households, organizing both their supplies and their movements on a long-term plan. They often found themselves taking legal, or even military, action because of the long absences of their husbands on campaigns or crusades. A competent wife exercised a practical influence which was often most far-reaching. The lot of a widow was even more secure. She was assured the possession of one-third of her husband's lands until her death, even if she remarried--a much-married widow could be an extremely rich matrimonial prize. Nevertheless, the widow often maintained her independence and power by buying from the king the right to remain single. Such queens as Eleanor of Aquitaine and Blanche of Castile throw little light on the average situation but were generally admired for their extraordinary energy and competence.

^{1/}

Lorris, G. de and Meun, J. de, Romance of the Rose. trans. by H.W. Robbins, ed. by C.W. Dunn. New York, E.P. Dutton, 1962. II. 16570-77.

Thus, the position of women during the Middle Ages was shot through with inconsistencies. Much of the theoretical writing about women was both destructive and offensive, and if we were to judge only by this we could well be convinced of their complete subordination. However, when we turn to look at common practice it becomes obvious that the position of women was in reality very varied, and provided much more freedom and actual direct power--as well as the perennial indirect influence--than has usually been believed. Perhaps the most important legacy of the Middle Ages in this regard was its success in integrating the single woman into society, and giving her a real, useful, and often important role which had nothing to do with her sexual function. Against this accomplishment must be placed the mediaeval denigration of marriage in the writings of the clerks, which tended to obscure the orthodox theology which regarded marriage as a worthy sacrament.

New Currents of Thought: Renaissance and Reformation

The new currents of thought loosed by the Renaissance and the Reformation included several notable changes in the attitude to women. Although the new humanism and the rise of Protestantism were almost simultaneous they differed extensively in their philosophical premises and basic concerns. The humanists of the Renaissance were primarily interested in scholarship and, springing from this, education. They encouraged the ideal of the truly educated man, learned in the classic literature and tongues, as the essential training for even the man of action. In the 16th century, Thomas More--scholar, lawyer, and chancellor of England--was for many humanists the perfect example. More's household also set an example, for he introduced both his son and daughters to the new learning. They were taught Latin, Greek, logic, philosophy, theology, mathematics, and astronomy.

The great Dutch humanist and friend of More, Erasmus, also encouraged the education of girls. One of his Colloquies has a pleasant dispute between an abbot and a learned lady (thought to be modelled on Margaret More). The abbot disapproved heartily of women knowing Latin, since he felt that it did not safeguard their chastity and was of no use to them. The lady was left with the last word when she argued that if it was right to know French to talk with the French, then a knowledge of Latin allowed her to converse with elegant, learned,

and wise authors.^{1/} Still another scholar active in England, the Spaniard Vives who had Catherine of Aragon as a patron, wrote a celebrated treatise on The Education of a Christian Woman. Although Vives lost his place in England after Catherine's divorce from King Henry VIII, his treatise was translated into English before 1540 and was very popular during the 16th century.

A century earlier, the French Christine de Pisan had put forward an impassioned defence of women and their need for education. Her successors, the 16th-century humanists in France, shared the common Renaissance devotion to scholarship and education. Their ideal was the development of both character and intellect through absorption of the great classical writings. Montaigne, for example, carefully mapped out such a programme of studies in his Essays. Nevertheless, little specific attention was given to the education of women. If girls held an exalted social position or were blessed with a determined father they received a good education, and there were a number of well-educated, even scholarly, women during the 16th century. However, the general level was low. The elementary schools which had developed during the Middle Ages were frequently church-sponsored and church-run, though they also served the needs of secular society. The religious upheavals of the 16th century destroyed many of these establishments. In England, such protected foundations as Winchester and Eton continued unharmed and the grammar schools founded in the reign of Edward VI helped to fill the gap, but all these schools were only for boys. In the Catholic countries of Europe an attenuated education was still available to girls through the convents, but in England and other Protestant lands girls were taught by their fathers, or by tutors, or not at all.

The reformers, Calvin and Luther, were not particularly interested in pure scholarship or education, especially of women. They were concerned with a much wider segment of society than the humanists and followed the older theological tradition, insisting on the necessary and divinely ordained subordination of women. Calvin, for example, argued that the

^{1/} Erasmus, Desiderius, The Colloquies. trans. by C. R. Thompson. University of Chicago Press, 1965. pp. 219-23.

subjection of inferior to superior, including that of wife to husband, was part of an inviolable order established by God the Father. Woman was given to man as "an inferior helper" and, according to the law of nature, could neither rule nor teach since she was born to obey. When asked about the legitimacy of Queen Elizabeth's rule, Calvin did admit that God was not bound to observe this order and was free to make extraordinary exceptions to the rule, like Deborah, "in order to despise and humiliate men."^{1/} John Knox shared the feelings of his master Calvin when he wrote his violent Blasts of the Trumpet against the Monstrous Regiment of Women. His tract was aimed at Mary Queen of Scots but also offended Queen Elizabeth with its denial of women's right to rule. Luther too, although warmer in his outlook than the bloodless Calvin, emphasized that the man was the head of the wife and that she must honour and obey him. In fact, in one of those down-to-earth similes which add greatly to Luther's likability, he added that women had been created with large hips in order that they should stay at home and sit on them!^{2/}

The glorification of marriage in the Protestant ethic, in reaction to the mediaeval emphasis on celibacy and virginity, had certain definite effects. First of all, it raised the prestige of matrimony, which it regarded as the usual and proper Christian vocation. Indeed the average Christian woman was taught that she gained salvation through the pains of child-bearing, and the unmarried woman was regarded with suspicion and distrust. However, in the Protestant insistence on the man as the head of the household, as indeed the divinely ordained minister for this group, a new and heavier burden of subordination was added to the load already carried by the wife. The husband, rather than the priest, became the authoritative intermediary between her and God--a belief which was carried to its extremes by the Puritans and put most lucidly in Milton's famous statement: "He for God only, she for God is him."^{3/} In these centuries, and especially among the strict Calvinists, men's attitude towards women was rather that of the Old Testament patriarch than of the New Testament Christ.

^{1/}

Wallace, R.S., Calvin's Doctrine of the Christian Life.
Edinburgh, Oliver and Boyd, 1959. pp. 158-60.

^{2/}

Bainton, R., Here I Stand, a Life of Martin Luther. New York,
Abingdon Press, 1950. p. 233.

^{3/}

Milton, Paradise Lost, Bk. IV, 1.299.

Women of the 17th and 18th Centuries

The 17th and early 18th centuries in England and France show rather clearly the different patterns of development between a predominantly Protestant and predominantly Catholic society. In both countries there were unusual women who went far beyond the conventional stereotype, but the legal and cultural patterns were limiting. In England, women were warned of their duty of subordination and total obedience by the Homilies read in rural parishes, or the tracts on marriage of the eloquent William Whateley. The preachers suggested that all the knowledge she needed was that required for the immediate concerns of her household, but not all women were subordinate or ignorant. There was the royalist Ann Fanshawe, for example, who lived through the Civil War. She managed the family affairs and finances, both in England and abroad, and procured her husband's deliverance from gaol after he was captured at Worcester. All this she achieved while bearing twenty-one children--of whom only five survived--during twenty-three years of married life. On the Puritan side, there was Lucy Hutchinson whose father gave her a careful education. She knew enough Latin to translate Lucretius into English verse and had also acquired a knowledge of Greek and Hebrew. Accepting the conventional Calvinist position, she wrote a most laudatory account of her husband, praising his generosity and his prudent rule over his wife. There were a number of such characters at almost all levels of society. The rich and powerful, like the 17th-century Duchess of Newcastle and the 18th-century Lady Mary Wortley Montague, could be as independent and learned as they liked, since the eccentricities of the upper classes were regarded with tolerance. More unusual, and with greater influence for the future, because they served as possible models, were such middle-class scholars as Elizabeth Carter, who translated Epictetus during the 18th century, or Mrs. Catherine Cappe, who came from a poor minister's family in the north of England. She not only worked actively to promote charity schools, but also encouraged the appointment of female Visitors^{1/} for the poor women confined in public hospitals or insane asylums.

France too had its outstanding women of character. Much of the tone of the first half of the 17th century was set

^{1/}
Stenton, D.M., The English Woman in History. London, Allen and Unwin, 1957. pp. 153-55, 164-6, 155-8, 286-95, 302-6.

by the regents, Marie de Medici and Anne of Austria. In the struggle between Cardinal Mazarin and the Prince of Condé, the Princess of Condé and the Duchess of Chevreuse inspired armies for their cause, as well as intrigues. But since, from the time of Louis XIV to the Revolution, most of the political activity as well as the social life of France centred around Versailles, the influence of the most important of the king's mistresses was felt at many levels of French life. Madame de Pompadour and Madame du Barry, and their equivalents at lower levels of the scale, exercised very real power, controlling appointments and expenditures. The woman who is the mirror of the best of French civilization at this time is Madame de Sevigné, whose witty, urbane and affectionate letters have preserved their charm and their appeal for many generations.

In France the education of girls was reasonably widespread, though not particularly intellectual. Popular schools for the lower classes were often run by groups of devout ladies, and there were also the convents. These schools tried to teach the poor a way of supporting themselves, and the rich the proper supervision of their households. For both rich and poor a strong religious foundation was considered essential. The 17th century saw some real improvements in this system. Fénelon's treatise On the Education of Girls was something of a landmark in its insistence on the need of making education enjoyable. Although the bishop argued that there was no need to make savantes of the girls (like the ones lampooned in Molière's Femmes Savantes), he insisted strongly on the importance of education for girls if unhappy families and disordered households were to be avoided. The girls could learn Latin if they liked, but not Italian or Spanish, since Fénelon felt there was already enough deplorable literature available to them in French. However, he argued that they needed basic arithmetic so that they could handle the family accounts and revenues--which thrifty Frenchwomen have obviously been doing for centuries--and should also have an understanding of the legal terms and principles that affected everyday life.^{1/} More widely influential was the famous school at St. Cyr, founded by Madame de Maintenon and favoured by Louis XIV. The school was well-planned and well-organized, but it mirrored the traditional attitudes of its

^{1/}
Fénelon, François de S., De l'éducation des filles. Paris, LeCottre, n.d.

patroness. Madame de Maintenon condemned all novels "because they dealt only with vices and passions" and felt that Roman history was dangerous "because it puffed up the mind".^{1/} Nevertheless, despite its shortcomings, St. Cyr was a useful and influential model for girls' schools in France until it was closed down by the Revolution.

Middle-class women in France were able to exercise a certain professional activity, especially the widow who inherited the right to exercise her husband's mastership in his craft. This right was much debated, however, and seriously circumscribed. There was the occasional unusual woman like Barbe Lequeux, who had the title of "plumber of Paris" and was in charge of the city waterworks.^{2/}

The contrast between England and France was probably most marked in their attitudes towards works of charity and women's place in providing them. In England the Puritan tended to regard poverty as a mark of God's displeasure and such elementary social services as existed were provided by the Quakers and the Unitarians. In France, on the other hand, the Catholic religious revival encouraged charitable activity. The women were particularly active in this, inspired by such men as Francis de Sales and Vincent de Paul. The followers of Vincent de Paul, who became known as the Sisters of Charity, were often drawn from the highest levels of society and developed to a practical system the idea of going to take care of people in their own homes.

The difference between the French and English cultural traditions also appeared in their approach to marriage. Blackstone, the English jurist whose Commentaries became the accepted textbook of English law, summed up the attitude of the English common law in the middle of the 18th century. He stated that, "By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage."^{3/} He carried this belief

^{1/} Tilley, A., Madame de Sevigné. Cambridge University Press 1936. p. 153.

^{2/} Fagniez, G., La femme et la société française dans la première moitié de XVIIe siècle. Paris, Gamber, 1929. p. 100.

^{3/} Blackstone, W., Commentaries on the Laws of England. ed. by W.D. Lewis. 2 vol. Philadelphia, Geo. T. Bisel, 1922. I, 15, p. 442.

to its most rigorous conclusion. Not only could the husband not make a covenant with his wife (since this was equivalent to making a covenant with himself), but, Blackstone argued, all previous covenants between them were voided. Thus, despite any premarital contract, all the property, wealth, and chattels of the wife fell into the sole and undisputed possession of the husband, to be used, or abused, as he alone saw fit. In one of the more extreme deductions from this principle Blackstone claims that a wife's murder of her husband was petty treason, punishable by drawing and burning, but no particular punishment was invoked for killing one's wife. Blackstone followed these statements with the comment that it was obvious that the law of England was excessively partial to women.^{1/} The French legislation on marriage was rather more generous, although marriages were even more strictly controlled by the parents. It was normal to have a marriage contract regulating the use and succession of property. Where there was no contract the customary law applied: in the north, there was community of property under the control of the husband; in the south, the territory of the written law, the inalienability of the wife's dowry was guaranteed by the law.

In general, the civilization of the 17th and 18th centuries in England and France was not favourable to the general advancement of the status of women. Although it was a time of great feminine influence in France, the philosophers, Montesquieu, Diderot, Voltaire, and especially Rousseau, all wrote of women as inferior beings designed only to please and be useful to men. In England, the general lot of women was very constricted, although the extraordinarily determined or the exceptionally talented could make a reputation for themselves. In both countries marriage was important to women because it gave them some freedom of action in fact, if not in law, and the woman in the best position of all was the comfortably endowed widow, for she was independent and secure.

The Age of The Revolutions

Despite all these legal and social hindrances, despite the common attitude which regarded women as charming playthings

^{1/}

Ibid., IV, 15, p. 204.

designed only for the amusement of men and as the necessary producer of offspring, women in real life had, until the end of the 18th century, maintained a position of considerable economic value. In the upper classes this was obvious. Marriages were normally arranged to achieve wealth and/or social position. They often resembled a merger rather than a human union. Prudent fathers tried to secure their daughters' financial security from the inroads of an extravagant husband by premarital contracts or the newer device of a trust. At lower levels of the social scale the ability of the wife to run a large and complicated household, to provide by her own labour and foresight for most of the needs of the family, was a crucial factor in the family's comfort and solvency. No matter what the law and the preachers might say, the woman who held the responsibility for the practical comfort of the family could not be ignored or too badly treated. The Industrial Revolution was to effect a major change. In an ever-increasing spiral the new inventions and processes took much of women's work out of the home and handed it over to factories. A wife, except among the poorest classes where her labour was still essential, became an ornamental adjunct, necessary to provide children, but with no intrinsic value for the family unit. Although practical housekeeping duties had become much lighter, there was for the time being a generous supply of domestic servants who could carry out the remaining household chores with only slight supervision from the mistress of the house. Thus a new middle-class stereotype developed which encouraged idleness and reduced the activities open to women. To emerge from the stifling corset of imposed respectability required either unusual energy and ambition, a helpful husband or father, a sufficient income, or preferably a combination of all three. The ardent pleadings of Mary Wollstonecraft, who had argued that "if women are not permitted to enjoy legitimate rights, they will render both you and themselves vicious to obtain illicit privileges,"^{1/} fell on deaf ears.

The effect of the Industrial Revolution, felt most immediately and deeply in England, was reinforced in France by the ultraconservatism which followed the French Revolution. The Revolution had preached liberty, equality and fraternity, and many of the revolutionary women had taken the equality and

^{1/}

Wollstonecraft, Mary, The Rights of Women. (Everyman Edition) London, J.M.Dent, 1929. p. 12.

liberty seriously. They had called meetings, been active political agents, and adopted a strong revolutionary pose. Napoleon wanted, here as in other things, to undo the work of the Revolution and above all to provide stability for the family as the microcosm of the state, with every father a small-scale emperor. His personal attitude towards women was almost Oriental, and was of great importance because of its influence on the law. The Code Napoleon finally codified and organized French law, laying down the principles which until recently have been accepted in France and those other countries whose law stems from hers. Napoleon's comments show his supreme disdain for women:

"They (women) ought not to be considered as being on an equality with men, for they are, in reality, only machines for bearing children.... Woman is our property... she bears us children... the wife is his property just as the fruit tree is the property of the gardener.... To women belong beauty, grace and the art of seduction, her obligations are dependency and subjection.... There would have been a complete revolution in society if women had emerged from that state of dependence in which it is their duty to remain.... One sex must be subject to the other."1/

The natural result of this attitude was that the complete subjection of the married woman to her husband was written most specifically into the Civil Code. Most of the legal incapacities of women embodied in the Code were, in fact, due not to their sex but to the effect of marriage. So obvious was Napoleon's bias in these matters that a modern French jurist writes succinctly:

Il faut certes regretter que le sort des institutions d'un pays ait pu dépendre aussi étroitement des expériences du mari trompé d'une femme stérile.2/

1/

Kircheisen, F.M., Memoirs of Napoleon I. trans. by Frederick Collins. London, Hutchinson, n.d. pp. 153-55.

2/

Carbonnier, Jean, Droit civil. vol. I. 5th ed. revised. (Collection Themis). Paris, Presses Universitaires de France, 1964. p. 51.

Change and Development: The 19th Century and Pre-war Society

The opening of the 19th century found women even more harshly restricted by both law and custom than had been the practice in preceding centuries. The rich retained some freedom of action, though they were handicapped by the law but the women of the middle-classes were not only constrained by the law, they also bore the weight of a heavy-handed Puritanism which shut them off from any real contact with the outside world. In the lower classes the employment of women in the factories and the mines aggravated their poverty since the conditions were appalling, the wages infinitesimal, and the wife's scanty earnings were paid to the husband and became his property. Both in England and in France, as the restrictions multiplied and the dead weight of legalism became more oppressive, energetic men and women began to oppose the accepted order and to attempt to bring about change, and the feminist movement came into being.

In England, the reform movements that battled against slavery, against inhuman working conditions, against the restriction of the suffrage were led by many great and warm-hearted men who realized that an improvement in the condition of women was an equally necessary reform. The humanitarian achievements of Samuel Wilberforce, Florence Nightingale and Elizabeth Fry helped to give force to these demands. In fact, the pressure towards easing women's position under the law and ultimately procuring the suffrage for her was aided as much by the support of some enlightened men as it was by the hard-working enthusiasm of the militant female leaders. Such burning treatises as John Stuart Mill's The Subjection of Women, in which he argued that women were treated worse than any slave, since they had no rights over their property, their earnings, their bodies, or even their children, could not be dismissed by the legislators as the emotional outpourings of an hysterical woman. These leaders helped to change the climate of opinion and to make possible the necessary legislative changes.

There were strong currents of feminism in France too during the first half of the 19th century. Followers of Saint-Simon found in his radical metaphysics a new and determined feminism. His feminine disciples, such as Flora Tristan and Claire Démar, denounced the chains of conventional matrimony and sought freedom in "free love". Less picturesque but of more

influence for the future was the Christian feminism preached by the Journal des Femmes which, although it avoided any demand for political rights, insisted on the need for reform in the education of women so that they could be adequate wives, mothers and educators of their children. Still another newspaper, the Gazette des Femmes, founded by Madame de Mauchamps, took the middle way. Less extreme than the theories of the followers of Saint-Simon, Madame de Mauchamps sought not only education, but also greater legal and commercial opportunities for French women. A romantic feminist like Georges Sand gave literary force to the movement. Georges Sand, like the English George Eliot, sought in the masculine pseudonym an escape from the stifling convention that women could not write on certain aspects of life, or turn their back on the accepted morality. All feminist theories in France, however, suffered a serious setback with the coming of the Second Empire which looked askance at their close connection with socialist theories. In both England and France there were outstanding, capable and energetic women who struggled desperately for reform, and who achieved some success against very heavy odds. Nevertheless, in both countries there was general feminine indifference to the struggle, and even considerable opposition to it from women themselves. Many women were satisfied with a system which did not bear heavily on them personally, and they had neither the imagination nor the wish to realize that others were not so fortunate, and were not protected by law or society.

Nevertheless, the general tides of reform and the slowly growing importance of women's paid labour in a more complex industrial society continued to favour the cause of women's rights. In England the end of the 19th century saw the beginning of a gradual removal of the legal disabilities that had plagued women, including their loss of their property at marriage. The barriers that held women back from useful work above the level of factory and domestic service were gradually cleared away as the cause of more advanced education for women was espoused by a continually wider circle, including such influential figures as Beatrice Webb and the great headmistresses, Miss Buss and Miss Beal. The suffragettes sought to achieve women's right to vote by militant tactics which included protest marches, hunger strikes and other violent demonstrations. In the end, woman suffrage was achieved peaceably, almost as a by-product of women's wholehearted and invaluable share in the war effort of 1914-18. Even then there were some lingering doubts--women between 21 and 30 did not finally receive the vote until 1928. It should be pointed out, however, that most of the reforms and changes were demanded and welcomed

primarily by the middle class, which was rapidly developing in both size and influence. The aristocracy in England had always been slightly set apart from the mainstream of English life. Wealth and social security often encouraged them to flout the conventions and it has always been easy to find women as well as men among the noble English eccentrics. The women of the labouring classes have been more conservative in their outlook on women's rights, and relatively uninterested in education, having little energy to spare from the struggle for survival.

The French were much more reluctant to encourage women's rights and the suffrage. Since the backbone of the country, the petite bourgeoisie, has always been extremely family-centred and conservative, anything that might upset the accepted pattern of family life has taken a long period to gain approval. Then too, the French woman has always preferred to exercise individual influence, rather than group pressure, and she regarded as exceedingly undignified the militant tactics of the English suffragettes. Despite this conservatism, the pressures of industrialization and of war ultimately brought these reforms to France in 1944.

The Canadian Experience and The North American Setting

The status of women in Canada has been influenced by a number of factors. The first settlers brought with them as invisible baggage the philosophy, traditions and customs of the class and country from which they came, and these included the attitudes towards women which had already developed in Europe. However, all these ideas were profoundly affected by the physical conditions found here. A process of colonization and settlement that took centuries in Europe has in Canada been so telescoped in time that primitive conditions of settlement often coexisted with advanced social and cultural backgrounds. For example, in the mid-19th century the daughters of the leading Hudson Bay managers at the Red River were frequently sent to England to school, returning home by sailing ship to Hudson Bay, and then by dogteam and canoe down the 800 miles from Fort York to the Red River settlement. Their orders for the newest fashions followed the same route!^{1/}

^{1/}
Healy, W.J., Women of Red River. Winnipeg, Peguis, 1923.
(centennial edition, 1967).

The settlement of Canada has been achieved by men and women working together to try and gain a foothold in a harsh land. The process begun in the 17th has continued on to the 20th century as the tide of colonization has moved west and north. Canadian women have benefited from the fact that their share in the hardships of the early years gave them a position of economic importance. In fact, life in the early days of settlement, east or west, was almost impossible without a cheerful, capable, and hard-working wife, a fact highlighted by that acute observer Mrs. Jameson.

The first provision for education in the English-speaking parts of Canada often came from casual classes gathered round a settler's wife or sister, one who had a special interest in, and perhaps a greater supply of, books. These dame schools, often allied with Sunday schools initiated by the more active ministers, opened the way for the establishment of common elementary schools open to all the children of a district. Some girls learned to read and write but the practical arts of running a household, which they learned from their mothers, were in the early days considered by far the most important part of their education. However, during the 19th century, the more settled parts of Canada were affected by the growing demand in England and the United States for the more thorough education of girls. English influences were spread by the circulation of many English magazines and books, while American ideas and experiments could be observed from close at hand. Education meant the opening of new doors for the energies of women no longer engulfed in the never-ending work of settlement. Industrialization, with its substitution of the machine for physical strength, made the wider employment of women more practical. The opportunities for employment and the possession of some independent financial resources were important factors in improving the status of Canadian women.

The general tradition and the laws in Canada have derived directly from the two major founding races, but on both sides there has been divergence from the European tradition. The French Canadians of Quebec were cut off from French influences after the fall of the French regime. For more than a century after the French Revolution the conservative farmers, and still more conservative clergy, felt little kinship with the new--and they felt irreligious--France. However, Napoleon's Civil Code became the civil law of Quebec, though the criminal law was the same throughout the country. Both their innate

conservatism and the restrictive articles of the Civil Code have put many legal restrictions on the women of Quebec until very recent times. Nevertheless, the status of women in Quebec has normally been much better than the laws would have implied, as the wife and mother in French Canadian society has held a most important place. Also in French Canada, the tradition of the value and usefulness of the single woman, especially in her work as a nun, has continued. Quebeckers have not forgotten Marguerite Bourgeoys, who ran the first school in Montreal and founded an order that still educates thousands of Canadian girls; nor Mère Marie de l'Incarnation, founder of the Ursulines who provided a civilizing influence in the tiny settlement of Quebec; nor Jeanne Mance, who founded the first hospital in Montreal. The figures of the 18th and 19th centuries are less individually notable, but the work of teaching and of caring for the sick has been until very recent times almost completely the province of the religious. Nevertheless, until relatively recently, the French attitude has been homogeneous and very conservative in its views on the status of women.

The English tradition in Canada is less distinct than the French for many reasons, but particularly because the English-speaking colonists were a less homogeneous group. Besides the settlers directly from Great Britain--and there are considerable differences among English, Scots and Irish--there was also a heavy influx into Canada from the American colonies. The United Empire Loyalists, the most publicized of all immigrants, included the most conservative elements in the colonies. Their abhorrence of republicanism and of anything that smacked of revolution helped to harden their social attitudes--and those of their descendants. But the Loyalists were not the only immigrants, and their views not the only American ones known in Canada.

The relationship between Canada and the United States has always been compounded of almost equal amounts of disapproval and fascination. In the early days of colonization, such settlers as the Strickland sisters and observers like Mrs. Simcoe and Lucy Isabelle Bird commented with satisfaction on the better manners of the Canadians compared with those of the rude, republican Yankees. At the same time, the more clear-sighted admitted that the Yankees had proved more competent settlers and energetic businessmen. The influence and example of the U.S. assumption of independence were particularly

strong on those who opposed the more orthodox, conservative and privileged adherents of the colonial regime. Such early American proponents of female rights as the Puritan Anne Hutchinson or the delightful Abigail Adams, who cheerfully advised her husband during the Continental Congress to "remember the ladies and be more generous and favorable to them than your ancestors,"^{1/} had little publicity in Canada. However, during the 19th century the intellectual ferment of North America was little hampered by the formality of the border. During the abolitionist agitation most Canadians shared the attitude of the reformers and helped to set up the terminus of the Underground Railway for escaped slaves at Windsor, Ont., where the fugitives were safe from the restrictive U.S. legislation. As was the case elsewhere, the movement for Negro emancipation encouraged other reform movements in which women acted as pioneers. The social and hospital work of Dorothea Dix and Clara Barton, the intellectual and literary influence of Margaret Fuller, and the educational pioneering of Emma Willard and Mary Lyon led to the growing involvement of women as a pressure group in politics. At first the main line of attack was moral--the primary enemy was the Demon Rum!--and the fight against liquor was led by the Women's Christian Temperance Union. This crusade soon turned into a demand for female suffrage, also led by the temperance advocates, since the vote of women was required to achieve prohibition. In the move for prohibition and for the vote for women American leaders and ideas came to Canada to influence and encourage.

It is more difficult to judge the importance and effect of the continued flow of people back and forth across the border. This was, of course, most common in the West where settlers looked primarily for good land, and in search of it wandered backwards and forwards across the 49th parallel. But in the East too there were numerous ties, though most of them led south. French Canadians went to New England to gain better wages in the textile mills, but their family ties with Quebec remained strong. Maritimers sought the easier conditions of the "Boston States", but often returned home when they had made a nest egg. As well, there were numerous families in which

^{1/}
Douglas, E.T., Remember the Ladies. New York, Putnam, 1966.
p. 7.

Canadian married American and moved south, or American married Canadian and moved north. These transplants kept their special interest in and concern for their country of origin and insured a free and rapid flow of ideas and sentiments. These informal ties and connections between the U.S. and Canada are incalculable, and it is almost impossible to assess their influence, but it has certainly been great.

Other races too have added to the Canadian mosaic. In the 19th century there were notably the Icelandic, the Germans and the Ukrainians who all became part of the English-speaking, as opposed to the French-speaking, section of the country. These groups imported some distinct attitudes and nuances of their own which had considerable local influence on social customs, but were not strong enough to force a general shift in outlook. No matter what their national heritage they were bound by the social restrictions inherent in the English common law. English-speaking Canada had taken its law in its entirety from England and continued to amend it and change it in strict conformity with decisions arrived at in London.

It has been a general pattern in North America that as the first rough equality of pioneer days is replaced by small-town life the political and social attitudes of both men and women become much more conservative. The further development into urban living, however, again brings a liberalization of outlook. Much of the history of the progress of women's rights and status in Canada in the 19th and early 20th century reflects this general rule. It is an interesting historical irony that the first Canadian women to have the vote were those of Quebec, who exercised the suffrage between 1809 and 1834. The Constitutional Act of 1791 had set the property qualifications for voting, and had not specifically denied the vote to women who held sufficient property. Joseph Papineau's mother voted for her son in 1809, for example, but this freedom did not endure. In 1834 the continually more conservative opinion of Quebec put through an act which specifically legislated against women voting in any county, city, or borough and by 1855 the definition of "person" had been restricted to "a male person, including an Indian, and excluding a person of Mongolian or Chinese race,"^{1/} and only "persons" could vote. Quebec retained this ban on women voting provincially until 1940.

^{1/}
Healy, W.J., Women of Red River. Winnipeg, Peguis, 1923.
(centennial edition, 1967).

In the rest of Canada, beginning with the prairie provinces, women received the provincial suffrage with little bitter agitation. The Maritime provinces were some years behind and the federal suffrage was granted in 1918, as in England almost a by-product of the war. The outstanding legal landmark for Canadian women was the "Persons Case," that long-drawn-out judicial process which finally went to the British Privy Council for decision. The Lord Chancellor's ruling in October 1929 that women were indeed "persons" and thus had the right to be summoned to the Senate marked the culmination of a generation of feminist effort. It is a pity that some of the outstanding personalities who achieved these legal successes or proved women's competence in new fields have been so overlooked. The life stories of Emily Murphy of Alberta, the force behind the appeal to the Privy Council and the first woman police magistrate in the British Empire; of Nellie McClung, the witty and dynamic suffrage advocate and popular author; of Dr. Maude Abbott, one of the earliest women doctors and a world-recognized pathologist; of E. Cora Hind, whose uncanny ability to predict the wheat harvest made her a power in farm circles here and abroad--to mention only a few--are full of colour and fascination. It is not only the colonial heroines like Madame de La Tour or the rather over-advertised Laura Secord who deserve to be remembered.

Conclusion

This rapid summary of the factors that have shaped the status of women through the centuries and have influenced our Canadian customs and attitudes must end before it slides from history into current events. Certain theoretical trends appear clearly. The philosophers, with the exception of Plato and, much later, John Stuart Mill, have generally been uninterested in, or opposed to, a rational view of women. The theologians, both Catholic and Protestant, influenced by the Bible, have consistently taught the subordination of women to men, with particular emphasis on the wife's necessary obedience to her husband. On the other hand, they have balanced this with the recognition of woman as an individual, and have attempted to insure the stability of marriage--which for the great majority of couples has proved of more benefit to the wife than the husband. They have also had a considerable distrust of women as a sex, most obviously shown in the misogyny of the mediaeval clerks. The status of women under the law has varied a great deal during

the centuries and in different countries, but more than either philosophy or theology, the law has been susceptible of change when social conditions have obviously made this necessary.

The theorizing of our civilization about women has tended to describe them as charming, attractive, useful inferiors, though at many times their actual status has differed considerably from the theories. Of course, there have always been the small minority of unusual women who by birth, position, talents, or mere force of character have left their mark on the history of their time. Of more general importance are the opportunities which society leaves open to the average woman. The shrinkage of woman's sphere and influence in the early 19th century inspired in reaction a more determined insistence on women's rights. This feminist effort continued and had achieved notable legal successes by the early 20th century. But the removal of disabilities is not the whole answer. The Canadian woman has emerged into the changed conditions of postwar life burdened by a furtive cultural tradition of inferiority. Subconsciously she feels that she is considered a second-class citizen, a role which no longer satisfies her. Essentially conservative in outlook, many Canadians have not adjusted their thinking to the new role of women, or attempted to modernize their own social attitudes which they formed on an outdated tradition.

HISTORY OF THE STATUS OF WOMEN
IN THE PROVINCE OF QUEBEC

by

Micheline D.-Johnson
Montreal, August 1968

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Introduction

The status of women in the Province of Quebec does not differ in its general outlines from that of other women living in the western hemisphere. It is common knowledge that the status of European women has been moulded historically by three principal factors: Greek philosophy, Roman law and Christian theology. 1/

In North America this traditional status has undergone certain modifications owing to circumstances peculiar to the North American environment. The changes have been more pronounced perhaps in the case of women of French than of British extraction, probably because in the case of the former the colonial period was of longer duration and involved greater geographical isolation than did any other epoch in American history.

The special cultural conditions prevailing in New France--French in language and Catholic in religion--have tended moreover to reinforce the differences and to place Quebec women in an historical situation appreciably different from that of other Canadian women. At the same time, reciprocal interaction between the two ethnic groups has been considerable; its tendency has been to level distinctions and to contribute to the emergence of a characteristically Canadian concept of the status of women.

The determination of the various elements that have had a share in moulding the status of women in Quebec is, accordingly, a task of some difficulty owing to the multiplicity of the factors involved.

At least it is possible to say that the development of women's rights in Quebec has not kept pace with that in other parts of the country. The discrepancy is probably in large measure due to the fact that action was long deferred and

1/ Labarge, Margaret W., The Cultural Tradition of Canadian Women: The Historical Background, supra, pp. 1-7.

progressed slowly.

For the sake of clarity, we shall sketch the history of the status of women in Quebec under three chronological headings. First, we shall deal with the period of French colonial rule, a period whose study is indispensable to an understanding of the present position of women in Quebec. We shall then explore the nineteenth and twentieth centuries as being the most significant phase of this evolution. In conclusion, we shall make an assessment of the situation prevailing in the Province at present.

FIRST PART:

The Period of French Rule

The Custom of Paris

The social predicament of women during the period of French colonial rule affords a good illustration of how the spirit of the law can be at variance with the letter. Between the Custom of Paris as it was generally applied here and the actual status of women in New France the differences were considerable and significant. They will be examined in the following pages.

The Custom of Paris, a code originally enacted in 1510 and revised in 1580, was introduced into New France in the year 1627 with the establishment of the Company of New France (Company of One Hundred Associates). In 1664, a year after the Colony was transferred from the Company to direct royal control, the Custom of Paris was enacted as the legal system of the Colony. By 1760, the point had been reached where references occur to the Laws of Canada (so-called) -- a reflection of the extent to which the Custom of Paris had become Canadianized following its successive revisions in 1667, 1676 and 1685. Yet, the very authorities "who had profoundly altered certain institutions in the process of transplanting them, refrained altogether from modifying the customary institutions affecting the status of women."^{1/} "This legal system," Carleton was to write in 1767, "brought the subordination of the lowest social orders to the highest, a subordination which assured the internal harmony that the country enjoyed before our arrival and enabled the King's government to secure the obedience of a very remote province."^{2/} And it was precisely this end that the legislators had wished to achieve by instituting the guiding principles of the Custom of Paris.

^{1/} Boucher, Jacques L'histoire de la condition juridique et sociale de la femme au Canada français, Montreal, 1966, Typescript, p. 3.

^{2/} Carleton to Shelbourne, December 24, 1767, in W.B. Munro's Documents Relating to the Seigniorial Tenure, p. 227.

In the middle ages, "the fundamental primacy of the husband did not in fact extinguish the personality of the wife. If for reasons of insanity or absence, for instance, the husband was unable to direct the household, his authority would automatically pass to his wife. The wife was not considered to be legally incompetent."1/ Without the actual ownership of private property or capital, the husband could not assert his position as "lord and master" of the marriage community; indeed, all things considered, the matrimonial status of the wife depended to a greater extent on group decisions than on the whims of her husband.

This situation was gradually transformed under the impact of political and economic circumstances: "the family became the group in and through which the hierarchical order of society was to be implemented so as to consolidate the political establishment and the power of the monarchical state."2/ At the same time, the growing importance of personal property in the hands of an emergent bourgeoisie gradually displaced the traditional concept of real property as the only significant form of wealth. Private property is more and more identified with money and this colours the relationship of father and son, husband and wife."3/

As a result, "a slow but continuous deterioration of the situation of women in the household developed as early as the sixteenth century. They lost their right to act as substitutes for their husbands in the event of the latter's absence

1/ Petot, Pierre, "La Famille en France sous l'Ancien régime", in Sociologie comparée de la famille contemporaine, International meeting of the "C.N.R.S.", 1955, p. 13.

2/ Michel, Andrée and Geneviève Texier, "La condition de la française d'aujourd'hui", I., Mythes et Réalités, Paris, Gonthier, 1964, p. 73.

3/ Ibid., p. 74.

or mental incompetence. (...) Finally, in the sixteenth century, married women were treated as legally incompetent, all acts done by them without their husbands' authorization being regarded as null and void. This in turn reinforced the authority of husbands, who came ultimately to exercise the prerogatives of almost monarchical power."^{1/} The renewed study of Roman law, with its introduction of the concept of Fragilitas sexus, further hastened the degradation of women to a position of inferiority. Their subjection to their husbands was still not absolute, however, for "concurrently with the reduction of women to the status of legal incompetence, custom and jurisprudence tended generally to favour the re-establishment of equilibrium in the marriage relationship."^{2/}

Brought in at a time when custom law had not assumed its final form and deep social changes were taking place, the Custom of Paris was evidently open to varied interpretation -- all the more so since the North American milieu and the special circumstances in which the colonists found themselves made it essential to adapt the Custom to the conditions of everyday life. It is this particular adaptation of the Custom that we must now examine.

"At that time women as such were under no particular legal disability. In this respect their situation was unlike that of women in Roman times or in those French provinces where written law prevailed. Apart from matters relating to the State, women in New France were legally competent as soon as they came of age. Since, however, they did not come of age until the age of 25, after most of them had got married, the women of New France were generally emancipated from the authority of their parents only to fall under that of their husbands (...) "^{3/}

^{1/} Petot, Pierre, op. cit., p. 13,

^{2/} Ibid.

^{3/} Henripin, Jacques, "La Population canadienne au début du XVIIIe siècle", I.N.E.D., Travaux et Documents, Brochure No.22, Paris, P.U.F., 1954, p. 98.

For "under the usual common property arrangement, marriage meant that women became the personal wards of their husbands and had their patrimony entailed on the latter."^{1/} Women under the age of 25, including widows, could not marry without parental consent. (In certain cases, this legal disability could be overruled by special edicts as for example in situations where the father's refusal was found by the authorities to be in abuse of good faith.) In order to safeguard the name of the family as much as possible, adultery by the wife was punished with the greatest severity. The most important possessions of the marriage community -- lands, houses, sources of income and offices -- were passed on in direct line of descent with little or no possibility of other arrangements. Not only did women lose the capacity of administering and disposing of property, but even husbands were strictly restrained from deeding to their wives property intended for their offspring.^{2/}

The subservience of married women did not, however, deprive them of all possibility of appeal. They had certain rights but these were dormant until the death of their husbands. Chief among these was their right to dower, i.e., to the usufructuary enjoyment of one-half of their husband's private property, the substance of the estate going to their children.^{3/}

On the other hand, "under the law, women were absolutely excluded by virtue of their sex from holding any public office: the functions of kingship, magistracy, judicature and tutelage were reserved in principle for men."^{4/} In this respect, however, the situation of the Canadian woman was no different from that of other individuals of her sex. To sum up, the legal status of women (or of married women, at any rate, who, as a group, constituted the majority of the female population) was an unprivileged one under French rule.

^{1/} Boucher, Jacques, op.cit., pp. 3-4.

^{2/} Ibid., p. 4.

^{3/} Ibid., p. 5.

^{4/} Ferrière, C.J. de, Dictionnaire de Droit et de Pratique, Paris, 1771, quoted by Jacques Boucher in Ibid., p. 3.

It must be remarked at this point that the predicament of women in the aristocratic leisured class was far more fortunate. In their case, marriage settlements were designed in such a way as to protect the respective interests of the families concerned, and one can only admire the acumen with which the contracting parties settled the economic aspects of marriage.^{1/} In this respect, the great Canadian families followed the general practice of their time: in the best tradition of western bourgeoisie, their daughters brought dowries of land or money with them into marriage. Such arrangements of course did little more than confirm the already subservient position of women, by reducing them to the role of mere negotiable chattels.

In reality, however, women were not systematically excluded from the management of the family's business. The record of judgments handed down by the Sovereign Council are full of examples of women acting as their husbands' representatives. In the husband's absence for whatever reason, it was normal for the wife to assume the task of administering the estate; in fact, the tribunal might permit her to act on her own initiative in such circumstances, in order to protect the property of the family.^{2/}

Not only were women frequently authorized to assume the heaviest legal responsibilities, but the conditions of colonial life allowed them to play an important role in the social life of New France, as well. It may be worthwhile for us to turn our attention briefly to this subject and to review the part played by illustrious women in our history.

Founding Women

In recounting the events of the French colonial period, historians have usually paid less than adequate tribute to the women who played so heroic a part in the early history of New France. Even from these accounts there emerges, however, a splendid picture of Canadian womanhood -- of dedicated women

^{1/} Nish, Cameron, Les bourgeois-gentilshommes de la Nouvelle-France, Montreal, Fides, 1968, pp. 157-172.

^{2/} Boucher, Jacques, op. cit., pp. 13-14.

in whom "the qualities of fortitude, generosity and self-sacrifice manifested themselves in such prodigious degree." In reviewing the achievements of our great female founders, it is all too easy to forget (as so many historians have done) that their efforts, though chiefly religious in impulse, were by no means confined to the sphere of religion. Undeniably, our history owes much to this impulse; but then so does the history of every other North American colony in the seventeenth century. What is exceptional in the case of New France is the unusually large number of women who played significant roles in laying the spiritual and material foundations of the colony. Indeed, what strikes the contemporary historian above all on reading the numerous documents left behind by these women is not so much their piety and devotion as their immense dynamism, energy and determination. Not only did the Ursulines and the Hospitalières finance their own enterprises, but their capital was raised in France also by women. The owners of seigniories, they knew how to exploit their lands wisely, and their writings reveal them as fully conscious of the economic problems which beset the colony. Some of them, such as Jeanne Mance and Marguerite Bourgeoys, even sat on municipal councils, in Montreal, before 1663.^{1/}

In addition to these functions, they could take complete charge of all that concerned the education of children ^{2/} (with the sole exception of the higher education of boys), and were instrumental in founding institutions of public health and welfare. In short, as educators, nurses and mystics, they played an indispensable part in the life of the colony. So well, in fact, had Marie de l'Incarnation, Jeanne Mance, Marguerite Bourgeoys and Marguerite d'Youville (to name only the most illustrious female founders) done their work that it was not until the twentieth century that the various institutions which they had established in the fields of education, nursing and charity required reorganization. More than a century before the more densely populated English settlements had any hospitals, ^{3/} New France could already boast of an impressive number of these:

^{1/} Tessier, Albert, Canadiennes, Montreal, Fides, 1946, p. 88.

^{2/} Groulx, Lionel, L'enseignement au Canada français, I, Montreal, passim.

^{3/} Encyclopedia Britannica, XI, pp. 791-792.

Hôtel Dieu de Québec(1639), Hôtel Dieu de Montréal(1644), Hôpital général du Québec(1692), Hôpital général de Montréal (1737). The spirit of the French Counter-Reformation, which had animated the founding of these charitable institutions, was, in effect, to colour the thinking and policy of our society for almost three centuries. During all this time, institutions on the pattern of those established in the seventeenth century were virtually the only ones to provide for education and public charity. The destitute, the aged, the crippled, the sick and the insane became the responsibility of religious congregations founded and operated for the most part by women.^{1/} Their capacity to assume such responsibilities was recognized by the law, since, as we may remember, the female founders were all either unmarried or widows.

This, however, is not tantamount to saying that women had to enter religious life in order to be able to play an active role in society. There are many documents to show that women were being actively engaged in industrial and commercial pursuits.^{2/} The most famous business-woman of the epoch, Agathe de Saint-Père, wife of Pierre Le Gardeur de Repentigny, could claim credit for establishing at the beginning of the eighteenth century the manufacture of textiles and fabrics, employing English prisoners to instruct her Canadian workmen in the art of weaving. She experimented with new manufacturing methods and invented new techniques for the dyeing of textiles and for making cloth more resistant to wear. Later still, she founded a firm for the large-scale production and sale of maple syrup. Other women, no less successful than Agathe de Saint-Père, carried on profitable businesses in furs, lumber, fisheries, as well as flour and cereals.

New France society even had its complement of female advisers, with happy or unhappy results. It will suffice to cite one of these, Elisabeth Bégon, confidante and trusted

^{1/} Trudel, Marcel, Initiation à la Nouvelle-France, Montreal and Toronto, Holt, Rinehart & Wilson, 1968, p. 243.

^{2/} Tessier, Albert, op. cit., pp. 88-91.

friend of the marquis de La Galissonnière.^{1/} Or again we might mention Madame de Péan, the favourite of Bigot, who in her role of a colonial Pompadour kept a salon where even Montcalm would appear, and adroitly presided over the intendant's shady deals.^{2/}

On the whole, the social life of New France paralleled that of France with remarkable accuracy; and although women's rights were subject to drastic legal restrictions, women enjoyed considerable freedom of action in everyday life. There is evidence that in New France the condition of women was not greatly restricted and that the division of labour between men and women was not strictly enforced. It is in fact characteristic of the French regime in Canada that women could execute a wide range of functions and responsibilities, and this more so than in France itself. This can be proved by the kind of life led by all those anonymous women, whose religious and civilian activities did not bring them into the limelight, but who, nevertheless, made up a large majority of the female population.

The "Filles du Roy"

Considered from our own historical vantage-point, the lot of the Filles du Roy certainly seems to have been less than enviable. Their role as women was confined from the outset to the unique function of child-bearing. To hear Colbert, a minister of King Louis XIV, inform Jean Talon, the Colony's first Intendant, of his having sent "four hundred respectable men, fifty young women, twelve mares and two stallions" to the new colony, or to read Talon's boast "that the women of New

^{1/} Rouleau, Jean-Noël, La société canadienne au XVIIIe siècle, d'après le témoignage de Madame Bégon, Montreal, University of Montreal, Faculty of Letters, Master's thesis, typescript, pp. 72, 81, 83.

^{2/} Frégault, Guy, François Bigot, administrateur français, II, Montreal, Institut d'Histoire d'Amérique Française, p. 147.

France bear offspring each year"^{1/} is to realize that the attitude of the government was not very different from that of farmers to the raising of livestock. It is hard for us to imagine these celebrated Filles du Roy coming to America for the express purpose of marrying and of procreating children (and that as soon and as efficiently as possible) and bringing with them suitable dowries from the King in order to insure that they would find husbands. Even when allowance is made for radical changes in our attitudes to marriage, the matrimonial arrangements described in the documents are bound to appear to us as monstrous and strange.

Furthermore, life was essentially rigorous in the primitive colonial setting, and women found themselves compelled to combine the tasks of cutting trees, clearing land and soldiering with their traditional roles of being farmers and housewives. But although subsistence in such circumstances was hard, there is no evidence of women complaining of their lot. Not only did they do all that had been expected of them by establishing new world records of fertility,^{2/} but they took on themselves many of the responsibilities of the men ^{3/} without relinquishing any of the traditional tasks of women in managing the economic life of the family. It is hardly surprising that administrators from France and visitors from abroad seemed singularly impressed by the achievements of French-Canadian womanhood in the eighteenth century.^{4/} Despite stern warnings from the clergy, they followed the fashions of their day, and the archives reveal a surprising number of illicit love affairs. Faced with the high cost of bread, a delegation of women went to Quebec to register a protest with the

^{1/} Roy, P.G., "Correspondance échangée entre la cour de France et l'intendant Talon pendant ses deux administrations dans la Nouvelle-France", in the Report of the Archivist of the Province of Quebec for 1930-31, Quebec, King's Printer, pp. 3-182.

^{2/} Henripin, Jacques, op. cit., passim.

^{3/} Le Moyne, Jean, "La femme dans la civilisation canadienne-française, in Convergences, Montreal, H.M.H., 1961, p. 80.

^{4/} Séguin, R.L., "La Canadienne au XVIIe et au XVIIIe siècles", in R.H.A.F., Vol. XIII, No. 4, pp. 492-508.

authorities.^{1/} Indeed, in the country no action of any consequence was taken without the advice and approval of the women.

Léon Gérin has described the family in New France as "a hive of individuals working together regardless of age or sex," characterizing it as "unique in its kind, combining the functions of the family and the workshop, and admirably adapted to fulfilling the needs of a population of frugal habits and modest demands -- the only type of family organization that was practical and viable in our early colonial history."^{2/}

The Canadian Woman

Wherever we turn, there is evidence to suggest that the social status of women in New France was in fact by and large unaffected by the formal restrictions of civil law. Since the very idea of individual rights was altogether alien to the mentality of the epoch, it is clear that we must resort to other criteria in order to evaluate the position of women. The conclusion that finally emerges into view is that women, despite their legal inequality with men, enjoyed a status in fact fundamentally different from that of other members of their sex living in an urban environment or inhabiting the British colonies of the day.

As to the factors which account for this difference, one may discern three. First of all, the totality of geographical and physical circumstances peculiar to the North American colonial milieu gave women an indispensable role in the social and economic life of the community. Secondly, the continuance into modern times of essentially medieval social attitudes (rendered possible by the collective mode of land-tenure and the virtual non-existence of a Canadian middle-class) made the wife's position with regard to her husband that of a fellow-worker rather than that of a subordinate. Thirdly, the esteem in which the Catholic colonists held the celibate state made it

^{1/} Frégault, Guy, La civilisation de la Nouvelle-France, Montreal Pascal, 1944, p. 69.

^{2/} Gérin, Léon, Aux sources de notre histoire, Montreal, Fides, 1945, p. 258.

indirectly possible for a significant number of women to play eminently active roles in society without marrying. All these factors were to make their distinct contribution in shaping the social status of women in Quebec. The Conquest of 1760, which dealt New France its political deathblow, was to lead this development into yet new channels of orientation.

SECOND PART

The Nineteenth Century

The Conquest

It is difficult to speak of the English conquest of New France without resorting to one historical interpretation or another of this all-important event in our history. But whether we choose to regard it as a cataclysm,^{1/} a fortunate intervention ^{2/} or a threat to French Canada,^{3/} it is indisputable that "the events of 1760, by the political adjustments which they required and the changes for which they paved the way, profoundly affected the subsequent history of Canada."^{4/}

Although for the majority of French-speaking Canadians the Conquest brought about little immediate or concrete change in their way of life, the community as a whole showed obvious signs of a progressive turning inward upon itself, and it can be said that within a generation the Province of Quebec became isolated in every way from the rest of the North American continent. Her territory divided into seigniorial domains, Lower Canada found herself, at the beginning of the 19th century, the possessor of a language, religion, legal system, culture and customs which set her apart from her neighbours. Her economic situation, often reduced to bare subsistence, was hardly affected by the Industrial Revolution then sweeping the

^{1/} Frégault, Guy, La guerre de la Conquête, Montréal, Fides, 1955, p. 456.

^{2/} Chapais, Thomas, Cours d'histoire du Canada, Vol. I., Quebec, Garneau, 1919, p. 4.

^{3/} Groulx, Lionel, Histoire du Canada Français, Vol. II, Montreal, Fides, 1962, p. 8.

^{4/} Ouellette, Fernand, Histoire économique et sociale de la province de Québec, Montreal, Fides, 1966, p. 1.

western world. Liberal and reformist currents of ideas barely penetrated her utter isolation, and when they did so, they had insufficient power to shake the authoritarian political structures which were established and maintained by the clergy. In summary, all the elements were present to insure that Quebec society would develop in ways entirely unique to itself and radically different from the rest of Canada and North America. All this had profound consequences for the evolution of the status of women.

From Civil Law to the Civil Code

British colonial policy itself was partly responsible for making the Province radically different from its neighbours. This becomes especially clear when one considers the legal system put into effect in the Province.

The provisions of the Treaty of Paris of 1763 contained no specific solution to the thorny problem of legal administration. It was therefore up to the new colonial power to move in the matter. As Burt put it very clearly, "what Westminster had to do was to transform a former French colony into an English one."^{1/} It was in the spirit of this policy that by the Royal Proclamation of 1764 the new masters of Canada attempted to institute common law jurisprudence in the new colony. The practical implementation of this change ran, however, into great difficulty, and the English authorities were soon divided among themselves as to how best to cope with the problem.^{2/} By 1770, it had become evident that England would allow Lower Canada to maintain its juridically distinct character. In effect, in the year 1769, Governor Carleton had commissioned the Canadian jurist François-Joseph Cugnat to prepare a Summary of the Custom of Paris as it applied in the Province of Quebec during the time of French Government. In

^{1/} Burt, in Lionel Groulx, op. cit., p. 36.

^{2/} The first two Governors, Murray and Carleton, quickly opted for the provisions which officially maintained the French laws. Attorney General Mazère, on the contrary, believed that it was imperative to apply the Common Law with vigor in order to assimilate the new province to the other North American colonies. The London experts who were consulted were equally divided on the subject, but generally favoured the maintenance of French civil laws. See Chapais, Thomas, op. cit., Chap. 4.

1774, the British Parliament passed the Quebec Act, which, in an effort to gain the confidence and support of the French-Canadians at the time of the American War of Independence, established by Articles 4 and 8 the continued maintenance of French civil law in the Province. "Had common law been introduced at that time into the Province, the married woman would have gained from it little; indeed, British law at this period was no less severe than French law as regarded the status of women."1/

"Civil law governing the legal status of married women manifested a remarkable degree of stability after 1774." Two minor modifications deserve, however, to be mentioned. In 1801, women received unlimited freedom to dispose of property by testament, a freedom they had not enjoyed under the previous system. Also, it became possible for a woman to renounce her dower if her husband wished to dispose of his real estate. This last modification in the law may in part be explained by the disuse into which the ancient right of dower appears to have fallen.2/

The system of legal administration in the colony was further confirmed in 1791 by the passage of the Act of Constitution, under which Canada was divided into two provinces, Upper and Lower Canada, the latter corresponding to the Province of Quebec. The Act of Union of 1840 did little to alter this situation, and it was not until 1857 that the decision was taken to codify Quebec law, after the pattern of the Napoleonic Code.3/ "The commissioners did not allow their respect for their model to blind them to its acknowledged shortcomings. In adapting the Code, they made every attempt to correct these as well as to incorporate in the Code changes of law whether brought about by legislation, legal usage, or popular custom."4/

1/ Boucher, Jacques, op. cit., p. 6.

2/ Ibid.

3/ Boucher, Jacques, "L'Acculturation juridique dans l'histoire du droit sur la famille au Québec", La Revue juridique et politique, Indépendance et Coopération, No. 1, March 1967, p. 175.

4/ Code Civil du Bas Canada, Premier Rapport, Quebec, 1865, p.7.

Drawn up in the year 1866, the Civil Code of the Province of Quebec was to define for a long time to come the legal status of married women in the Province.

The immobility which had characterized French-Canadian society for three generations certainly did not encourage the legislators to introduce far-reaching changes in the institutions of marriage and the family. The authority of the husband and father was therefore recognized as the basis of domestic relations, resulting in the judicial incompetence of married women. Undoubtedly, this state of affairs was intended to perpetuate the traditional prerogative of the husband to function as the legal head of the family, as he had done under the old French system of law.^{1/} The effect, however, was to place the wife in an even more disadvantageous position, since many of the opportunities which had existed for women under the French regime had ceased to exist in the nineteenth century.

An examination of Table I (see page 45) will convince the reader beyond the shadow of a doubt that the legal incapacity of married women in the Province of Quebec was no dead letter of the law in the nineteenth century. The restrictions applying to married women become all the more striking when we realize that single women and widows were free to exercise all private rights without any limitation whatever. Since "the legal status of married women in Quebec underwent no major changes until 1931, while that of women in the other provinces was significantly improved particularly by the Married Women's Property Act of 1872 in Ontario, the predicament of the female citizen of Quebec became increasingly archaic and unique. There was, indeed, some justification for saying at the beginning of the 20th century that "Quebec was the laughing stock of the world."^{2/}

^{1/} Marceau, Louis, "La sanction du défaut d'autorisation matrimoniale", in La Revue du Barreau, XXIII, No. 10, Dec. 1963, p. 571.

^{2/} Gérin-Lajoie, Marie, "La communauté légale" in La Bonne Parole, Jan.-Mar. 1927, p. 1.

Political Life

All things considered, the codification of the law tended to slow down the process of social development which society was in fact not able to achieve in the nineteenth century. An examination of the political status of Quebec women in this historical epoch offers further proof of this fact.

In this connection, it is a source of constant surprise to students of history to learn that at the beginning of our parliamentary government established by the Constitutional Act of 1791, women had the right to vote in Quebec. Between 1809 and 1834, women could exercise political franchise provided that they fulfilled property qualifications. Their participation in political life was generally frowned upon by commentators, who claimed that "public elections ill befitted the modesty and natural sense of decorum of the female sex."^{1/} The question of female franchise was taken up in the Assembly in 1828 and in 1834, but it was not until 1849 that women were positively excluded from the suffrage by law. In fact, it is evident that if women could exercise the right of vote in early 19th-century Quebec, their freedom to do so "was based on an absence of law limiting the suffrage rather than on any authority granted by legislation."^{2/}

Whereas the wives of politicians might occasionally play the role of political mentors to their husbands, no record remains of any woman actively participating in public life during the XIXth century. When with the advent of Confederation, in 1867, a new dimension was added to the political life of the country, Quebec women continued to take no part in public discussions. In the national upheaval which followed the execution of Louis Riel, only one woman dared to voice her reaction publicly. It was Laure Conan, the first female

^{1/} Hamelin, Jean and Marcel, Les mœurs électorales dans le Québec, Montreal, Editions du Jour, p. 25.

^{2/} Riddell, W.R., Women Franchise in Quebec, a Century Ago, in M.S.R.C., Third series, XXII, 1928, Section II, p. 88.

novelist of French Canada, whose book Si les Canadiennes le voulaient (If the Women of Canada Wished) appeared in 1886. Here is how Laure Conan conceived the role of women in political life: "To inspire without being seen -- this is the function of women. God knows, I have no desire ever to see you at the hustings or at the polls. For my part, I am for the Salic law."^{1/} The attitude expressed in these lines is typical. At a time when many English-Canadian women were beginning to claim the right of suffrage, their French-Canadian sisters were content with things as they were.^{2/} Those that wished to participate actively in the life of society could do so only indirectly, by taking a part in charitable work.

The New Founders

Resuming after a century of inactivity the great work begun by their colonial predecessors, the women of Quebec were instrumental after 1840, in adding numerous institutions of education, health and charity to those set up under the French regime. This tended to emphasize certain archaic aspects that were still characteristic of Quebec society. To the impressive number of religious communities founded in Quebec during the 19th century (see Table 2, page 46), one must add a dozen or so congregations from France which had come to establish themselves in the Province between 1840 and 1900. This new contingent of communities added two further functions to their traditional tasks: those of missionary work and of domestic service for the clergy. A mere glance at the complex network of convents, orphanages and hospitals established in various parts of the Province at this time will suffice to show the extent to which French Canada relied on her women to provide essential welfare and hospital services and to take charge of the education of women. Within the framework of these institutions, all responsibilities could be assumed and discharged by nuns. It is interesting to read admiring accounts by various English-Canadian writers (some of them women), expressing surprise at the efficiency of these charitable establishments so firmly rooted in the past and so effectively managed.^{3/} How effective they indeed were we can

^{1/} Conan, Laure, Si les Canadiennes le voulaient, Quebec, Darveau, 1886, p. 53.

^{2/} In Le Journal de Françoise, a survey conducted among women at the very beginning of the 20th century showed that 66% of those interviewed were opposed to the franchise for women.

^{3/} Dufebvre, B., Cinq Femmes et nous, Montreal, Bélisle, 1950.

only surmise from the magnitude and intricacy of their financial undertakings, the vastness of their building projects and social commitments, and the shrewdness with which they were administered. Certainly, the institutions operated by the religious orders in XIXth century Quebec can compare favourably with those anywhere in the world in the same historical epoch.

From this it can be said that within the framework provided by the various religious communities single and widowed women in XIXth century Quebec had ample opportunity for social involvement. The religious communities were, in fact, the sole channel for the social self-fulfilment of women. But the impressively high number of nuns at the end of the XIXth century (about 10,000)^{1/} seems to indicate a strong vocational urge in women.

The French-Canadian woman as a mother

Clearly, for women in secular life, Quebec society afforded a far less positive environment in the XIXth century than it had done under French colonial rule. As members of an isolated community excluded from participating in the active life of the country, women found themselves in an increasingly difficult situation, especially with reference to their legal and political status. In effect, it was not until the end of the XIXth century that the supposedly immemorial concept of the woman's confinement in the home became generally accepted. While elsewhere in the western hemisphere the suffragette movement was beginning to gather force, in Quebec the French-Canadian woman had in fact barricaded herself against the onslaught of all new ideas. Hence it was that her social emancipation did not occur until the XXth century, more than a generation after it had been accomplished elsewhere.

As the mother of a numerous family (and families with fifteen children or more were the rule rather than the exception in those days), the French-Canadian woman continued to live in

^{1/} Le Canada Ecclésiastique, 1900. This represents 1% of the female population.

conditions reminiscent of those of her colonial forbears. Yet, although her traditional role appears to have remained unchanged, in effect it had actually undergone a gradual narrowing, especially in the isolated parishes of the country, in the villages and on the farms. Studies of traditional rural environments have shown that the specialization of tasks tends to segregate the sexes; if the woman continues to participate in the economic life of the family, her role tends to become increasingly differentiated from that of her husband. This does not mean that the woman will consider her role to be inferior to the husband's. It means simply that each sex "will find fulfilment, and take pride, in its own sphere of activity. In carrying on their economic activities married couples will no longer compete with each other, but with other individuals of their own sex: the husband with other men; the wife with other women. Each partner, furthermore, will willingly acquiesce in being excluded from the sphere of competence of the other, without any sense of superiority or of inferiority on that account."1/ It can even be said that in the late XIXth century, French-Canadian women in secular life had few, if any, personal aspirations, as such. Their education and upbringing restricted them exclusively to activities of the (so-called) feminine kind; the possibility of their receiving university training, or of their entry into the life of society, was simply ignored. As a result, the number of women gainfully employed was so slight as to be practically negligible.

To be sure, certain "feminine" occupations were open to women in teaching and nursing. But the salaries earned in these professions were so poor that one can well understand why the majority of women interested in these fields preferred to enter religious orders. As for all other types of occupation, the census of 1891 records few Quebec women so employed, and the great majority of them are English-Canadian.2/ The same thing holds true of female participation in the world of arts and letters -- activities to which the education of French-Canadian women ought to have opened access.3/ If an opera

1/ Boucher, Jacques, op.cit., p. 13.

2/ Femmes du Canada, pp. 61-120.

3/ Ibid., pp. 196-261.

singer such as Albani 1/ could achieve acclaim on the international stage, her success was probably in great measure due to the resourcefulness of her American protectors.

All things considered and all exceptions notwithstanding, we must conclude that the overall image that has come down to us of the XIXth century French-Canadian woman is essentially that of the mother. "This image, familiar to us all, runs through our history with a persistence all its own, constituting a valuable frame of reference for it. Clearly, we are dealing here with a myth."2/ It is from this myth, or cultural preconception, that the XXth century woman has sought, consciously or otherwise, to escape.

1/ Emma Lajeunesse, a famous operatic star of a century ago, was a Canadian, born in Chambly.

2/ LeMoyne, Jean, op. cit., p. 71.

THIRD PART

The Twentieth Century

For the Quebec woman, the twentieth century was to herald a period of sudden awakening. Perhaps because social, cultural and psychological conditions within the Province differed appreciably from those prevailing elsewhere in Canada, the crusade for feminine emancipation was to become a dramatic and exciting adventure. Industrialization and urbanization had come to the Province almost a century after they had begun to affect the rest of the country; this might well serve to explain in part the belated improvement of the status of women in Quebec. The national ideology of French Canada, moreover, was such as to cause the cultural elite of the Province to favour characteristically rural and parochial values -- and this, in turn, tended likewise to retard the recognition of women's rightful place in society. But since it was no longer possible to check the change that was developing with us as well as in the rest of Canada, Quebec women had to effect more quickly than others the transition from the old to the new, and this was bound to create confusion and turmoil. It is in this perspective that we must study the evolution of women's status in Quebec if we are to understand the coexistence of reactionary opinion with the most progressive views.

Women's Associations

It was due, primarily, to the example of their English-Canadian sisters that women in the province of Quebec were awakened collectively to a realization of their social role. Without a doubt, the establishment, in 1893, of the National Council of Women was an event of decisive importance in this respect. But it must also be remembered that French-Canadian society was ready to be influenced by this event. History (we have seen) has consistently demonstrated the great reliance placed by the Quebec community "on feminine initiatives and skills in all that concerned the education of girls, relief and charitable work in general. In this regard, conditions plainly favoured to growth and expansion of feminist sentiment. (...) Indeed, in the light of history we might say that

as soon as women recognized their own potential importance and decided to organize and to centralize their scattered efforts, modern feminism was born."1/

For various reasons, the first women's organization (the National St. John the Baptist Federation founded in 1907) was merely to serve as the focal centre for coordinating diverse lay charities already in existence. Soon, however, it added to these one further function, as new as it was important: a campaign for improving the lot of the working woman, a timely initiative since in Montreal the first signs of the Industrial Revolution had already appeared. We need only peruse the Reports of the first conventions of the Federation to realize how clear-sighted and serious the aims of the organization were. The foundation of the Federation is significant because it marks the beginning of organized social activity by lay women in the Province.

Under the leadership of a truly exceptional woman, Marie Gérin-Lajoie, the National St. John the Baptist Federation directed for more than one generation all female organizations within the Province. About 50% of these were charitable associations, 30% professional societies other than unions, and the remaining 20% cultural organizations. Its monthly newsletter, entitled La Bonne Parole, often displayed a keen sensitivity to current social concerns. Unfortunately, however, owing to the influence of a clergy still openly hostile to all forms of feminism,2/ the Federation, from 1920 on, gradually relinquished its original objective of female emancipation, to succumb to an increasingly traditionalistic view of the place of women in society.

1/ Dandurand, Madame, "Le féminisme", in Nos Travers, Montreal, Beauchemin, 1924, p. 118.

2/ Paquet, Mgrs. L.A., "Etudes et Appréciations", in Le Féminisme, pp. 3-43, Imprimerie Franciscaine Missionnaire, 1919.

With the sole exception of the League of Women's Rights (Ligue des droits de la femme), an organization with very limited membership of which we shall have occasion to speak further, women's groups in the Province of Quebec played a somewhat ambiguous role in the struggle for emancipation. While they created a common awareness among women of their place in society, they were reticent to assume any clear stand on the basic problems involved. In fact, it was not until the 1960's that Quebec women took any concerted action to improve their legal status, to transform existing social structures and to challenge traditional modes of thought. The establishment, in the year 1962, of the Federation of Quebec Women (Fédération des femmes du Québec) was to provide a new framework for this second phase in the development of women's associations. The very fact that the Federation was a non-sectarian body is proof in itself of its modern, liberal orientation; it foreshadowed and typified what was to become the common trend among women's associations: a conscious break with the past and a movement away from traditional ideas. Unfortunately, however, the Federation was far from enjoying the universal support of the female population; indeed, scarcely 10% of all women's clubs in the Province applied for affiliation. One may, in fact, go so far as to declare that if the lot of women was fundamentally changed, it was rather in spite than because of the various women's associations that the transformation took place. Credit for the achievement of this end must be given chiefly to isolated individuals working simultaneously on three different fronts: first, to those championing the admission of women to institutions of higher learning and, by corollary, into professional life; secondly, to those concerned with securing the right of political franchise for women; and thirdly, to those campaigning to bring about a reform of the Civil Code. Let us examine the initiatives taken on each of these different levels in turn, keeping in mind that they are intimately interrelated in their implications.

The Right to Higher Education

Once again, it is to Madame Gérin-Lajoie that credit is due for improvements in the sphere of women's education. It was, in effect, in direct response to her explicit and energetic request that the Congregation of Notre Dame secured the necessary authorization in 1908 to open the first École d'enseignement supérieur pour jeunes filles (School of Higher Education for Girls). A first request for the establishment of such an institution had been turned down in 1904 by the Catholic Committee of the Public School Commission (Conseil de l'instruction publique), in the belief, no doubt, that the daughters of the middle class needed no knowledge beyond an elementary grasp of catechism, grammar, literature, elementary mathematics and, above all, the polite arts and social graces.^{1/} If authorization did finally come in September 1908 for the establishment of the first classical college for women (to be known as the College Marguerite Bourgeoys, it was a permission reluctantly given by, and wrung with difficulty from, the religious authorities. Faced with the unpleasant alternative of either giving women an opportunity to pursue their studies further (and thus to compete eventually with the male graduates of the classical colleges) or seeing them enroll at McGill University or at a non-sectarian French-language lycée, the authorities gave in, choosing the first course as the lesser of two evils.

The first female graduate to emerge from the new college was Marie Gérin-Lajoie, daughter of the redoubtable Mme Gérin-Lajoie and future founder of the Sisters of Good Counsel

^{1/} XXX, La signification et les besoins de l'enseignement classique pour jeunes filles, Memoire à la Commission royale d'enquête sur les problèmes constitutionnels, p. 10.s.

(Soeurs du Bon Conseil). In 1910, she was granted the degree of bachelier ès arts, the masculine form of bachelier being, characteristically, retained in her case. With what can only be regarded as typical of the narrowmindedness of the authorities, she was disqualified from receiving the Colin Prize, a distinction earmarked for the best graduating student and one which, on academic merit alone, she had clearly deserved.^{1/}

Somewhat slower progress was made in Quebec City where Sillery College, founded in the year 1910, did not open its doors until 1925.^{2/} Subsequently, classical colleges for girls sprang up in all regions of the Province, under the auspices of the various teaching orders. Although by 1950 there were 15 of these in operation, their activities tended to be regarded with suspicion both by the government and by the general public. At any rate, the women's colleges remained the preserve of a small number of privileged individuals. Whereas it was by now generally conceded that a programme of classical studies for women fulfilled certain needs, the essential importance of this service to the community at large was still implicitly questioned.^{3/} This accounts for the fact that women's colleges operated at this time without the benefit of government subsidies, while the extensive network of Écoles ménagères (Home Economics Schools) (re-christened in the year 1950 Instituts familiaux) were developed concurrently at great public expense. The latter offered girls purely practical instruction in a small number of domestic skills, including the upbringing of children, and gave virtually no training to prepare graduates to enter the world of employment. Once again, we see overwhelming proof here of the basic ambivalence of the French-Canadian setting: of its reluctance to yield to the newly-formed aspirations of women and of its desire to ensure the continuance of traditional modes of thinking.

In the light of these conditions it is easy to understand why university education was, in the best of cases, accessible to a mere handful of female graduates wishing to prepare

^{1/} Account by Florence Fernet (Mrs. Paul Martel), the second woman to receive a bachelor's degree in the province of Quebec.

^{2/} XXX, La signification et les besoins, op. cit., pp. 13-14.

^{3/} Ibid., p. 149.

themselves for professional careers. While the right of women to gain admittance to universities was never itself disputed as such, for a long time women were formally excluded from the practice of most of the liberal professions. In these circumstances, it goes without saying that the number of university women continued until recently to be extremely limited indeed.

The emergence of certain new professions (which, as a result of their novelty, had not been marked out as male preserves) opened up new academic and occupational possibilities for women. The growing importance of psychology, dietetics, social service and medical technology (all of which required specialized university training), as well as the new policy permitting the appointment of lay personnel to the teaching staffs of the classical colleges, finally brought about a revolution in outlook in Quebec around the year 1950. This new outlook was to result in women having now virtually unlimited freedom of access to, and larger enrolments in, institutions of higher learning.

Participation in Professional Life

As we have seen, it was the entry of women into professional life rather than their admissibility to the universities that was most bitterly opposed and fiercely resisted in Quebec. The intransigence of professional associations in dealing with female applicants for membership in their ranks has been the occasion of numerous controversies, some of them worthy of being reported here.

The longest and, without a doubt, the most celebrated dispute centred around the admission of women to the Bar Association of the Province of Quebec. The first female lawyer to apply for this privilege was Annie Langstaff, a graduate of McGill. Her application, in the year 1914, was categorically rejected by the Bar.^{1/} The first woman of French-Canadian extraction to make a similar application was Henriette Bourque. Her request for admission to the Bar, in 1933, was likewise

^{1/} Cleverdon, C.L., The Woman Suffrage in Canada, p. 224.

refused and, as other women with legal training she was compelled to content herself with the post of legal secretary with a firm of solicitors.^{1/} In 1940, the Female Graduates in Law of the Province of Quebec (Licenciées en droit de la province de Québec) (among them, Miss Langstaff herself) were still awaiting legislative permission to practise their profession -- despite the pressures that the League of Women's Rights had exerted in their behalf on the government. It was not until April 29, 1941 that the Legislative Assembly of the Province of Quebec passed a bill authorizing women to enter the practice of law. Even at this late date, the bill ran into considerable opposition from members of the Bar Association of the Province, who fought the proposal to the last ditch. Elizabeth Monk and Suzanne Filion were the first women to become members of the Quebec Bar Association.^{2/}

In the domain of medicine, opposition to female professional membership was much less bitter and of shorter duration, owing probably to the example of English Canada where women had been admitted to the practice of medicine as early as 1867. In 1903, Dr. Irma Levasseur, who had studied in the United States, requested admission to the College of Physicians and Surgeons of the Province of Quebec; it took a private Bill to get her that authorization. But by 1930, women were admitted without difficulties to the practice of medicine. Dr. Marthe Pelland was the first woman to avail herself of that right.^{3/} In the field of pharmacology, a by-law of the College of Pharmacists adopted in 1920 excluded women from entering the ranks of the profession, an exclusion undoubtedly inspired by the fear that women might compete with male pharmacists. In fact, women had been free to practise the profession in the United States since the end of the XIXth century. This repressive by-law was not repealed until 1934.^{4/} For its own part, the Board of Notaries abolished its by-law to exclude women from the profession in 1956, although it was not until 1958 that Me Louise Dumoulin became the first female notary of the Province of Quebec. A somewhat different situation obtained in the case of chartered accountants. Here it was the

^{1/} XXX, 1'Almanach de la langue française, 1936, "La femme canadienne-française", p. 45.

^{2/} Cleverdon, C.L., op. cit., p. 262.

^{3/} XXX, Almanach, op. cit., p. 45.

^{4/} Ibid., p. 45.

Legislative Assembly that refused the Association the right of admitting female members. The Association of Chartered Accountants decided to disregard this prohibition and, in 1930, authorized women to enter the practice of the profession.^{1/} At first, however, the occupation attracted women of English-Canadian background; the first female members of French-Canadian origin joining their ranks in the late forties. Not until the late forties did French-Canadian women specialize in commercial subjects at the graduate level, when Mrs. Suzanne Coallier and Mrs. Gisèle Gagnon Bastien became chartered accountants.

The entry of women into the other professions met with little resistance -- perhaps, above all, because few attempted to gain a foothold in them. Today, the presence of women in professional life no longer meets with official objection, though the number of female practitioners in some areas has remained extremely low (see Table 3, p. 47).

Even occupations falling within the traditional sphere of feminine competence, such as nursing and teaching for example, have undergone marked changes. The entry of women in secular life into these professions fundamentally altered both the nature of the tasks required of their practitioners and the professional ethics associated with their practice. Lay nurses and teachers, being no longer bound by the Christian precepts of self-denial, devoutness and charity, were free to strive for improvements in their working conditions. This evolution was naturally fought by those who traditionally held that these professions, like all work done by women, called for little or no remuneration. It also can be said that the drive to improve the working conditions of nurses and teachers contributed positively to the overall betterment of the lot of working women in general.

The first lay women to become nursing trainees in Quebec were accepted by Notre Dame Hospital in Montreal in 1897. But it was above all from the English-language environment that the new structures of professional nursing were to emerge. In 1920, Quebec became the last province of Canada to establish a

^{1/} Cleverdon, C.L., op. cit., p. 237.

Professional Association of Registered Nurses (Association professionnelle d'infirmières enregistrées). This body, however, was to be the first in the country to determine its own standards of professional competence and to reserve the practice of nursing to individuals licensed by the Association. In taking these initiatives in 1946, the Professional Association of Registered Nurses of the Province of Quebec was motivated by a desire to protect the public and to raise standards of nursing rather than by a wish for economic self-advancement. In effect, the Association still considers itself a professional college rather than a trade union of nurses -- so much so that numerous members believe that their economic interests have been insufficiently protected by it. But "while certain nurses find it difficult to reconcile professional and syndicalistic objectives, the majority recognize that the two functions are not necessarily incompatible with each other."1/ Hence it is that only 6,000 nurses (that is to say, roughly 25% of the total number of those working in Quebec) have joined a union which is operating at present beyond the limits of their Association. It should be noted that the salaries of Quebec nurses, practically unchanged between 1900 and 1940, but considerably improved since 1960, still fall short of those that prevail in the rest of the country.

It was not until the middle years of the XIXth century that women were first employed as teachers in the public school system. Their numbers, few at first, increased rapidly, especially because they were paid considerably lower wages than their male colleagues -- the disparity averaging as much as \$100 per year. In a province where, in the year 1852, 51% of all school commissioners were totally illiterate, it is hardly surprising to find that the teaching profession should have been ill paid.2/ Indeed, the proportion of female teachers shows a steady rise through the years: from 1840, when women accounted for a mere 25% of all lay teachers in the Province, the proportion rose to 60% in 1850, 80% in 1875 and finally 95% in 1900.3/ Not only were these women the victims of economic

1/ Wheeler, Marguerite, "Les infirmières du Québec à la recherche de la sécurité économique", 1'Infirmière canadienne, Vol. 61, No. 4, April 1965.

2/ Labarrère-Paulé, André, Les instituteurs laïques au Canada Français, 1836-1900, Quebec, P.U.L., p. 151.

3/ Ibid., p. 115, p. 179, p. 356 and Femmes du Canada, op.cit., p. 185.

exploitation of the worst kind, with their salaries practically unchanged for about a century despite the constant rise in the standards of training that was required of them, but their status was also constantly challenged and undermined by their rivals in the various teaching orders. Since most of these orders operated in towns and cities, however, the stronghold of lay teachers was the country districts, and it was there that the foundations of syndicalism were laid. At the instance of Laure Gaudreault, a teacher in Charlevoix County, the lay women teachers banded together to found, in 1936, the Association of Rural Teachers (Association des institutrices rurales) for the purpose of protesting a decision by the Legislative Assembly to lower the minimum annual salary of their profession from \$300 to \$250. 1/ The measure, outrageous enough in itself, was even more so since some 80% of the 9,000 women teaching in the rural schools were actually receiving less than the minimum of \$300 per year. With the establishment, in 1937, of a Federation of all the Associations that had taken part in the movement, Laure Gaudreault succeeded in having the annual salaries of female teachers increased to \$300, and to \$600 in 1943. Through pressure exerted on the government and with the consent of the religious authorities, the pensions of retired teachers were also raised, albeit only slightly.2/ It was from this movement that the various teachers' unions were to develop in 1938, 1942 and 1946, until today female public school teachers enjoy a comparatively advantageous position.

Women have never found it difficult to secure employment in the unskilled and semi-skilled occupations, though, admittedly, only recently has the female labour-force become a phenomenon to be reckoned with. Be this as it may, the lot of the working woman has always been harder in Quebec than in other parts of the country. At the very beginning of the 20th century, the proportion of working women under the age of 16 was almost twice as great in Quebec as it was in Ontario,3/ conditions of employment being, at this period, regulated only by a very rudimentary Factories Act.

1/ Laberge, Michelle, Le syndicalisme et l'institutrice rurale, typed brief submitted to the Ecole de Pédagogie familiale, Outremont, 1963, pp. 10 to 21.

2/ Ibid., p. 35.

3/ Femmes du Canada, op. cit., p. 113: 12% vs. 7%.

The year 1919 saw the enactment of the first Minimum Wages Act in the country, defining the basic minimum earnings of women in industrial occupations. A great many workers, however, notably those in white-collar jobs, did not fall within the protection of the statute. With the advent of the Depression in the 1930's, there emerged a marked resistance to all forms of female employment in Quebec, so much so that a bill introduced in the Legislative Assembly in the year 1935 (and defeated by a vote of 47 to 16) sought to deprive women categorically of the right to work except on the farm, in the woods and in their homes.^{1/} Later, in 1937, the Equitable Wages Act set the minimum weekly earnings of women at \$11.50, without specifying, however, the maximum number of working hours per week. It was in the face of employers' refusal to meet this minimum that a strike -- the first ever to be organized by female workers in the Province -- was called in the garment industry. Under the leadership of Yvette Charpentier, a young working woman with one year of formal schooling and eleven years of experience in the factories, the strike of 1937 was to pioneer the feminine labour-movement in Quebec.

At present, the feminine labour force still continues to grow in Quebec, with the Province outstripping all others in the country,^{2/} despite the fact that the attitude of the Catholic hierarchy to the employment of women has been consistently hostile. This opposition goes back to the days of World War II, when the religious authorities used every means in their power to stem the tide of female employment. The arguments invoked by the Church to this end ranged from allegations that work would undermine the morality and health of the female population to the mere exercise of authority, placing an interdict on the employment of women.^{3/} Despite these impediments (and they were to little avail), women have become active participants in the labour movement, so much so that it is by no means unusual to find them performing important functions in the trade unions of

^{1/} Cleverdon, C.L., op. cit., p. 246.

^{2/} Department of Labour of Canada, Female Labour Force, Facts and Figures, p. 7.

^{3/} Dugré, Alexandre, Plaidoyer pour la Canadienne, Montreal, Le Messager canadien, 1943. See also articles published regularly in Relations, between 1940 and 1950.

today. Their interest in unionism may no doubt be explained by the fact that the predicament of working women still leaves a great deal to be desired^{1/} and that there continues to be considerable reluctance among employers to give working women their rightful place in society. The situation of feminine labour, already complex enough, has been further complicated since 1960 by the growing influx of married women^{2/} into the labour market.

The Franchise

Normally, the large-scale employment of women in business and industry ought to have hastened the transformation of their political status in the province of Quebec. Yet, in the matter of political rights, Quebec society has been especially slow to recognize the legitimacy of feminine aspirations. Final victory in the political arena was all the harder to achieve as the champions of female suffrage were few. We must remember that at the beginning of the XXth century, the Province of Quebec, unlike other provinces in Canada, had no movement in favour of the feminine franchise. True, the Montreal Suffrage Association, established in 1913, played a prominent part both locally and on a nation-wide scale; but it received virtually no support from French Canadians. When, in 1918, the House of Commons granted women the right to vote in the federal elections, the Montreal Suffrage Association was dissolved with the consent of its members, to be re-constituted as a provincial organization. In this new form, the Provincial Suffrage Committee (Comité du suffrage provincial), established in 1921 under the joint chairmanship of Mme Gérin-Lajoie and Mrs. Walter Lyman, sought to enlist the support of both French- and English-speaking Quebecers. The first delegation sent to Quebec City

^{1/} Brief submitted by the Confederation of National Trade Unions to the Royal Commission on the Status of Women.

^{2/} Brief submitted by the Association of University Women (Montreal section) to the Royal Commission on the Status of Women.

to plead the cause of female suffrage was turned away with singular arrogance by Taschereau, then premier of the Province. This first set-back almost meant the end of the Committee. Under pressure from the Church, its French-language chairman, Mme Gérin-Lajoie, resigned her post, while the official publication of the National St. John the Baptist Federation, La Bonne Parole, promptly and pointedly ceased to make any further allusion to female suffrage. Indeed, certain women's associations went so far as to circulate petitions and to collect some 40,000 signatures from women renouncing their claim to the right of vote. All in all, throughout this campaign the apathy of the female population was considerable.^{1/}

Following the resignation of Mme Gérin-Lajoie, the French co-chairmanship of the Provincial Suffrage Committee fell to Mme Thérèse Casgrain, who headed the delegation of 1921. It was not, however, until 1926 that the Committee seriously resumed its activities. Since the newly-formed Committee could not enlist the full support and loyalty of all former members, a schism resulted, with Mlle Idola Saint-Jean assuming leadership of the rival Canadian Alliance for the Feminine Vote in Quebec (Alliance canadienne pour le vote des femmes du Québec). The Alliance, despite its limited membership, was rather more representative of the social cross-section of Quebec at the time than was the Provincial Suffrage Committee. With the succession of Mme Thérèse Casgrain as sole chairman of the Committee, in 1928, the organization took a new lease on life. Re-constituted under the name of the League of Women's Rights (Ligue des droits de la femme), the Committee expanded the scope of its objectives, to include the admission of women to the Bar, reform of the Civil Code, and the improvement of the condition of women in general. It pressed into service such publicity media as radio programmes (Femina, a serial run by Mme Florence Martel and Mme Casgrain herself, was broadcast from 1933 until 1938), press campaigns and public lectures, and even addressed a petition to King George VI. Despite all these initiatives, public opinion remained, by and large, hostile to the feminist cause, thanks chiefly to the counter-efforts of the Quebec clergy and such political leaders as Henri Bourassa, who campaigned actively against the women's franchise.^{2/} With such

1/ Cleverdon, C.L., op. cit., pp. 222-232.

2/ Bourassa, Henri, "Femmes-Hommes ou Hommes-Femmes, Etudes à bâtons rompus sur le féminisme", Montreal, Le Devoir, 1925. Also, Closse, Lambert (pen name of a priest), La réponse de la race, Montreal, 1930, published at more than 30,000 copies.

adversaries to contend with, the feminist organizations gained ground with only painful slowness, mustering their forces every year to make their customary 'pilgrimage' to Quebec City.

In fact, since 1927, a women's delegation had been paying regular visits to sittings of the Legislative Assembly to lend support to a bill proposing to give women the right of vote in provincial elections. Every year without fail the bill would be introduced by its sponsor only to be rejected by the Legislative Assembly for reasons that were as ridiculous as they were in bad faith. (See table 4, p. 48) But the annual defeat of the bill did not discourage its supporters from renewing their efforts at subsequent sessions.

It was not until 1938 that a glimmer of hope appeared on the horizon. In that year, Mlles Idola Saint-Jean and Elizabeth Monk presented briefs to the Rowell-Sirois Commission on federal-provincial relations, urging changes in the legal status of women. Concurrently, Mme Thérèse Casgrain succeeded in having a delegation of 40 women admitted to the convention of the provincial Liberal Party. This delegation, in turn, obtained the party-leader's promise that the question of women's suffrage would be included in the programme of the Liberal Party.^{1/}

When, in 1940, the Liberals took power, Premier Adelard Godbout himself sponsored the bill, despite a stern warning issued by Cardinal Villeneuve.^{2/} The bill was adopted by the Legislative Assembly in April 1940. But a further twenty-two years had to pass before the first woman was elected to the Legislature of Quebec, in the person of Mme Claire Kirkland-Casgrain, member for Jacques-Cartier. Mme Kirkland-Casgrain became at the same time the first woman to hold a cabinet post in the provincial government, first as Minister without portfolio and, from 1964 onwards, as Minister of Transport. Above all, however, she will be remembered in conjunction with Bill 16, a proposal dealing with the legal status of women. We shall discuss this bill under the heading entitled Reform of the Civil C

^{1/} Cleverdon, C.L., op. cit., pp. 233-253.

^{2/} Le Devoir, March 2, 1940.

Reform of the Civil Code

All things considered the Civil Code of 1866, while pretending to create a legal system suited to our society, only reproduced principles that were relevant in France in 1804 but were outmoded in Quebec when they were introduced some sixty years later. This gap between the law and the way of life is the main characteristic of the Civil Code, at least as far as the status of married women is concerned. And so each of the changes made during the 20th century in the status of women could only be an attempt to correct a situation that had become totally inadequate and sometimes even fundamentally unjust.1/

Being a pioneer in all things, Mme Gérin-Lajoie was among the first to suggest a way of rectifying the inadequacies of the Civil Code of Quebec. Her solution called for the repeal of the Code and a return to ancient French legal practice -- a system of jurisprudence which she regarded, and justly so, to be the less prejudicial to women.2/ But the influence of Mme Gérin-Lajoie was chiefly academic and her legal erudition was insufficient to topple principles which custom had sanctioned and which the political establishment had no reason to doubt. Moreover, some of her proposals were open to question. and thus, with the sole exception of the so-called Pérodeau Act, a measure adopted in 1915 and which strengthened the succession rights of married women (see Table 5, p. 49), the legal predicament of women remained unchanged until 1931.

It was Mme Thérèse Casgrain and her League of Women's Rights that provided the necessary impetus for legal reform by bringing the problem to the attention of the public in 1929. In response to mounting pressure from the League, Premier Taschereau appointed the Dorion Commission to inquire into the legal inequities of the Civil Code.3/ The Statute of 1931

1/ Laberge-Colas, Réjane, "L'incapacité de la femme mariée", La Revue du Barreau, Vol. XXIII, No. 10, Dec. 1963, p. 376.

2/ Gérin-Lajoie, Marie, "Sauvons nos lois françaises", La Bonne Parole, Jan.-Mar. 1927.

3/ Cleverdon, C.L., op. cit., p. 235.

(see Table 5, p. 49), which embodied in law many of the recommendations of this Commission, improved the lot of women separated from their husbands and empowered married women to dispose of their earnings as they wished. From these modest beginnings further reforms were soon to follow. In 1934, at the instance of Mlle Idola Saint-Jean, a law was passed enabling women to have their own personal bank accounts.^{1/} Further minor changes in the Civil Code were made in 1945, 1951 and 1954 (see Table 5, p.49). It would be erroneous to regard these improvements as victories won in the difficult struggle for the emancipation of women and the equality of the sexes; rather, the legal modifications adopted between 1930 and 1960 (especially the repeal of the double standard provision in 1954-55) are isolated exceptions to "the overall tenor of our traditional legal system which sanctifies as an underlying principle of law the incapacity of the married woman."^{2/}

All these reforms had so little effect on social attitudes to women that when, in 1945, the payment of Family Allowances was instituted, the federal government acceded to a special request by Quebec jurists to have allowance cheques made payable to the fathers of children, rather than to their mothers, as was the case in all the other provinces. A few timid voices were raised in protest by Quebec women at this discriminatory practice. But it was only after personal representations had been made by Mme Thérèse Casgrain to Prime Minister Mackenzie King that the system of payment used in Quebec was brought into line with that used in the rest of the country.

With the advent of the 1960's, it was no longer possible to turn a deaf ear to the swelling chorus of voices protesting against the inequities of the Civil Code and calling for its complete revision with special reference to the legal status of married women. Much of the credit for launching this movement of protest must go to the Quebec Federation of Women (Fédération des femmes du Québec). The question was placed in the hands of a Committee for the Revision of the Civil Code (Comité de révision du Code civil) which in turn established in 1963 a Committee on Matrimonial Provisions (Comité des régimes matrimoniaux). Before the commissioners had had an opportunity

^{1/} Ibid., p. 246.

^{2/} Laberge-Colas, Réjane, op. cit., p. 578.

to conclude their study of the question, the Quebec Legislative Assembly passed the now famous "Bill 16" on July 1, 1964. This bill in fact put an end provisionally to the legal incapacity of married women. (See Table 5, p. 49). Thus, almost a century after the English-speaking provinces, Quebec guaranteed to its female citizens rights equivalent to those long enjoyed elsewhere.

Actually, so far from being greeted with enthusiastic approval, Bill 16 incurred much adverse criticism,^{1/} not the least of which was its complete condemnation by the General Council of the Bar Association of Quebec Province.^{2/} What is even worse, however, is that the actual status of married women remains, in spite of all, practically unchanged. Banks and public officials still persist in asking for the signature of the husband before having any dealings with a married woman. On the other hand, it is obvious that long before the adoption of Article 1 of Bill 16, Quebec women had in fact freely practised professions distinct from their husbands, contrary to Article 181 of the Civil Code. The long-standing discrepancy between the letter of the law and the conditions of life to which it was to apply continued to exist, and exists more than ever before today, for while our legal system has remained relatively unaltered, Quebec women have undergone a profound change in outlook and way of life.

1/ See in particular:

- A. Bélanger, A., "Le Bill 16", Relations, April 1965, pp. 112-113, May 1965, pp. 140-147, June 1965, pp. 173-175.
- B. Beaudoin, J.L., "Examen critique du Bill 16", in the Canadian Bar Review, 1965, pp. 393-413.
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2/ "Réaction du Conseil Général du Barreau au Bill 16", La Revue du Barreau, Vol. XXIV, No. 6, p. 342 et seq.

A New Mentality

Undoubtedly, this change in the aspirations and roles of Quebec women is of comparatively recent date. During the first half of our century, the actual way of life of women in the Province corresponded very closely indeed to the traditional conception of female domesticity. Better still, the image of feminine roles was considered ideal by numerous women whom circumstances forced to work on the farm or in industry. With almost single-minded insistence, the information media as well as religious and social imperatives imparted a traditionalistic outlook to women, stressing their functions as wives concerned with their homes and as mothers devoted to their children. Women's magazines and radio broadcasts dealt overwhelmingly with aspects of domestic life -- cooking, fashion, the upbringing of children -- 1/ and even such items of a supposedly informative nature were infinitely outnumbered by the mass of sentimental novels which were to constitute the intellectual bill of fare of the average woman. In these circumstances, it will surprise no one that in 1940, the League of Women's Rights numbered only 47 members,2/ while the Cercle des fermières (a network of rural associations of homemakers corresponding to Women's Institutes in English Canada) nearly 40,000. 3/

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- 1/ Radio-Canada, Women's programmes, List of talks broadcast over CBC's French network between 1936 and 1968, prepared by the Records Division of the CBC.
- 2/ Cleverdon, C.L., op. cit., p. 254.
- 3/ Sister Thérèse-du-Carmel, S.N.J.M., Les Cercles de fermières et l'action sociale", Outremont, 1967, typed thesis submitted to the Ecole de Pédagogie Familiale.

As in the preceding century, spinsters turned in large numbers to the religious life. In 1939, at least 1,335 houses, schools, convents, hospices, orphanages and hospitals in Quebec were run by some 130 different religious communities, 1/ who played a major role in Quebec society and contributed to give the province a character which has set it aside from other Canadian provinces. On the surface, nothing had changed and the traditional role of woman in society was being upheld both actively and tacitly by civil and ecclesiastical authorities alike.

The metamorphosis of Quebec woman can be said to date from the close of World War II, but the rate of change during the sixties has been quite disconcerting. Perhaps the clearest indication of what is taking place is the downward trend of the Quebec birth rate, which had remained steady ever since the early forties, but has now sunk to an abnormally low level (Table 6). Family planning, no longer practiced in secrecy and guilt by a few dissidents, has become an officially established service, civil and religious laws notwithstanding. 2/ Better still, for the first time, Quebec woman is intensely interested in something which concerns her directly, as has been demonstrated by recent reaction to the encyclical Humanae Vitae. Whatever the social implications of this new trend, our concern here is with the involvement of women, individually and collectively, which reveals the extent of recent changes in the feminine outlook.

But the winds of change are blowing not only through the homes of married women, but also around the convents which until recently were so amply peopled. Indeed, since 1950, religious communities have been experiencing a dearth of vocations, due no doubt in part to the major crisis the universal

1/ Dumont, abbé J.N., Choisis, toi qui désires te consacrer au Seigneur. Les communautés de femmes dans la province de Québec, L'Ange Gardien, 1939, passim.

2/ The Family Planning Centre was established in May 1967, with financial assistance from the Department of Family and Social Welfare. The Centre serves the whole Province.

For its part, the City of Montreal set up, also in 1967, Family Planning Clinics to serve families in underprivileged areas.

Private organizations have existed since 1960.

Catholic Church has been weathering during the past decade. In Quebec, however, recent adjustments in the status of women have probably been more influential than any loss of religious fervour. A determining factor has been the opening up of lay careers to women. No longer must they join a religious order to teach high school or college, or to take part in social or missionary activities, and this is posing heartrending problems for the religious communities as a social group. Superiors are growing older and tend quite naturally to lose touch with the world of today. Yet they are faced with the need to re-assess their spiritual objectives, which until recently were overshadowed by professional concerns. It is only fair to add, however, that in spite of the uncertainties which beset them, some religious communities have resolved their difficulties in ways which are both new and effective, as was demonstrated at the Congress of religious orders for women held recently in Montreal. 1/

1/ La religieuse dans la Cité, Congrès des religieuses de
Montréal, Montreal, Fides, 1968, passim.

Conclusion

As a consequence of all these changes, the lot of the Quebec woman is no longer shaped by the constraints of a particular society, but is that of women everywhere. It has become the accepted rule that she shares the same basic interests as other Canadian women, and of western women in general. Collective indifference has made way for a new awareness and, in many matters, blind obedience to religious precept has been displaced by a sense of informed responsibility. The Quebecoise is aware of her rights and of her duties and, on balance, her prospects are particularly bright. But the battle is not won; far from it. There is yet room for improvement, particularly in the matter of her legal rights and of her status in the labour market.

All in all, however, the trend in the second half of the 20th century has been towards the effective entry of woman into all spheres of human endeavour. Indeed, her participation has not been confined to purely feminine interests, but to all aspects of our complex present-day society. The girl of the new generation crossing the threshold into adult life takes her rights for granted: a university education, equal pay and full admittance into the political and economic fields. As she enters the new world of to-day, her objective is performance rather than protest, and her one desire is to be given all the tools she needs for action.

TABLE I

LEGAL STATUS OF MARRIED WOMEN AS DEFINED IN THE CIVIL CODE OF THE PROVINCE OF QUEBEC FROM 1866 TO 1915

| | Section of Civil Code |
|--|-----------------------|
| A - As a person | |
| 1) General incapacity (akin to minors and interdicted persons)* | |
| a) legally incapable of contracting | 986 |
| b) legally incapable of offering a defence or to sue before the courts | 986 |
| 2) Denied right to tutorship | 282 |
| 3) Denied right to be appointed curator | 337a |
| B - Personal relationship with husband | |
| 1) Submission to the husband. In return, the husband owes protection | 174 |
| 2) Nationality determined by the husband's | 23 |
| 3) Choice of domicile rests with the husband | 83 |
| 4) Choice of places of residence rests with the husband | 175 |
| 5) Exercise of civil rights in husband's name | Customary Law |
| 6) Double Standard Act: the husband is free to seek a reparation on grounds of adultery; the wife can only do so if the husband keeps his concubine in the common household. | |
| C - Financial relationship with the husband | |
| 1) Wife may not engage in a calling distinct from that of her husband | 181 |
| 2) Wife may not engage in commerce without her husband's consent | |
| 3) Legal community of property: | |
| a) the husband alone administers the property of the community | 1292 |
| b) the wife is responsible for her husband's debts. The contrary is not the case | 1294 |
| 4) Separation of property: | |
| a) the wife cannot dispose of her property** | 1422 |
| b) the husband cannot grant general authority to his wife: a special authorization is required for each act | 1424 |
| c) the wife cannot dispose of her professional earnings | 1425 |
| 5) Cannot accept a succession alone | 643 |
| 6) Cannot make or accept a gift inter vivos*** | 763 |
| 7) Cannot accept testamentary executorship | 906 |
| 8) Can inherit from her intestate husband until after the twelve successoral degrees | 637 |
| D - Family Status | |
| 1) Cannot alone consent to marriage of a minor child | 119 |
| 2) Cannot allow an unemancipated minor to leave the house | 244 |
| 3) Does not have the right of correction of children**** | 245 |
| 4) Cannot exercise alone the right to tutorship of her minor children | 282 |
| * She has, however, the right to make a will. | |
| ** She can, however, administer her property with the authorization of her husband, or failing the latter, that of a judge. | |
| *** The husband can, however, make his wife the beneficiary of insurance on his life. | |
| **** The wife has, however, the right of supervision over the children. | |

TABLE 2

WOMEN RELIGIOUS ORDERS FOUNDED IN THE PROVINCE OF QUEBEC IN THE XIXth CENTURY

| Date | Place where founded | Name of Order | Type | Foundress | Number of Houses in 1900 |
|---|----------------------------------|--|------|----------------------------|--------------------------|
| 1. 1840 | Saint-Hyacinthe | Sisters of Charity of Saint-Hyacinthe | H | Grey Nuns | 1 |
| 2. 1842 | Montreal | Sisters of Providence | H-C | Madame Garnelin | 68 |
| 3. 1843 | Longueuil | Sisters of the Holy Names of Jesus and Mary | E | Eulalie Durocher | 56 |
| 4. 1848 | Montreal | Sisters of Mercy | H-C | Madame Jetté | 6 |
| 5. 1849 | Quebec | Sisters of Charity of Quebec | H | Grey Nuns | 36 |
| 6. 1850 | Quebec | Serving Sisters (Good Shepherd) | C-E | Madame Roy | 20 |
| 7. 1850 | Vaudreuil | Sisters of Sainte-Anne | E | Esther Blondin | 52 |
| 8. 1853 | Saint-Grégoire (Nicolet) | Sisters of the Assumption | E-M | Three spinsters | 27 |
| 9. 1857 | Montreal | Daughters of Saint-Joseph | S | Abbé A. Mercier | 5 |
| 10. 1861 | Saint-Hyacinthe | Sisters of the Adoration of the Precious Blood | Cl. | Aurélie Caouette | 4 |
| 11. 1874 | Rimouski | Sisters of Notre-Dame of the Holy Rosary | E | Elisabeth Turgeon | 12 |
| 12. 1877 | Saint-Hyacinthe | Sisters of Saint-Joseph of Saint-Hyacinthe | E | Four spinsters | 10 |
| 13. 1883 | Saint-Hyacinthe | Sisters of Saint-Martha | S | Eléonore Charron | 1 |
| 14. 1886 | Nicolet | Sisters of Charity of Nicolet | H | Grey Nuns | 3 |
| 15. 1887 | Quebec | Dominican Sisters of the Jesus Child | S | Mother Catherine of Sienna | 1 |
| 16. 1891 | Baie Saint-Paul | Franciscan Sisters of Mary | E-C | Abbé Fafard | 1 |
| 17. 1892 | Saint-Damien | Sisters of Notre-Dame of Perpetual Help | E-C | Canon Brousseau | 11 |
| 18. 1894 | Chicoutimi | Sisters of Notre-Dame of Good Counsel | E-C | Françoise Simard | 1 |
| 19. 1894 | Masson | Serving Sisters of Jesus and Mary | Cl. | Eléonore Potvin | 1 |
| 20. 1902 | Montreal | Sisters of the Immaculate Conception | M-E | Delia Tétrault | - |
| Orders already in existence in the province of Quebec | | | | | |
| A. 1639 | Augustine | Hospital Sisters | H | | 1 |
| B. 1639 | Ursulines | | E | | 8 |
| C. 1659 | Hospital Sisters of Saint-Joseph | | H | Jeanne-Mance | 2 |
| D. 1657 | Congregation of Notre-Dame | | E | Marguerite Bourgeois | 112 |
| E. 1737 | Sisters of Charity (Grey Nuns) | | H-C | Marguerite d'Youville | 52 |
| | | | | | 491 |

H. Care of the sick
C. Charitable works
E. Education of young girls and children
M. Missionary work
S. Domestic service for the clergy
Cl. Cloistered contemplative order

Source: Dumont, Abbé J. Napoléon: Choisis, toi qui désires te consacrer au Seigneur. Les Communautés de femmes dans la province de Québec, L'Ange-Gardien, 1939, passim.

TABLE 3

WOMEN'S PARTICIPATION IN THE PROFESSIONS IN THE PROVINCE OF QUEBEC IN 1968

| <u>Profession</u> | <u>Number of Women in the Profession</u> | <u>Percentage of Women in the Profession</u> |
|------------------------------------|--|--|
| Nursing | 24,249 | 100% |
| Dietetics | 490 | 99 |
| Medical technology | 849 | 95 |
| Social work | 693 | 73 |
| Translation | 630 | 70 |
| Library science | 425 | 50 |
| Psychology | 101 | 22 |
| Psychoanalysis | 2 | 20 |
| Public relations | 35 | 14 |
| Vocational counseling | 58 | 13 |
| Pharmacy | 138 | 7 |
| Medicine and surgery | 380 | 5 |
| Law | 150 | 5 |
| Chemistry | 30 | 5 |
| Town planning | 6 | 5 |
| Dentistry* | 24 | 4 |
| Chiropractics | 10 | 4 |
| Insurance brokerage | 116 | 3 |
| High commercial studies graduation | 37 | 1.5 |
| Notary public | 16 | 1 |
| Optometry | 5 | 1 |
| Veterinary medicine | 5 | 1 |
| Architecture* | 7 | 0.8 |
| Agronomy | 4 | 0.3 |
| Engineering | 17 | 0.1 |

N.B.: It has not been possible to obtain statistics of the number of women currently engaged in the various branches of education.

* Of that number, the large majority of women in that profession are newcomers to the province of Quebec or English-speaking Canadians.

TABLE 4

THE STRUGGLE FOR THE RIGHT TO VOTE FOR WOMEN IN THE QUEBEC LEGISLATIVE ASSEMBLY

| <u>Year</u> | <u>Sponsor</u> | <u>Party in power</u> | <u>Vote</u> | <u>% of negative votes</u> |
|-------------|------------------------|-----------------------|-------------|----------------------------|
| 1927 | Victor Marchand (L) | Liberal* | 51-13 | 80 |
| 1928 | William Tremblay (C) | Liberal | 39-11 | 78 |
| 1929 | William Tremblay (C) | Liberal | 50-16 | 75 |
| 1930 | Irénée Vautrin (L) | Liberal | 44-24 | 65 |
| 1931 | Irénée Vautrin (L) | Liberal | 47-21 | 69 |
| 1932 | Anatole Plante (L) | Liberal | 52-33 | 70 |
| 1933 | Anatole Plante (L) | Liberal | 53-20 | 72 |
| 1934 | Gaspard Fauteux (L) | Liberal | 52-25 | 68 |
| 1935 | Edgar Rochette (L) | Liberal | 43-19 | 69 |
| 1936 | Frédéric Monk (C) | Liberal | 43-24 | 61 |
| 1936 | Camille Pouliot (UN) | Union Nat. | 49-21 | 70** |
| 1938 | Grégoire Bélanger (UN) | Union Nat. | 48-16 | 74 |
| 1939 | P.A. Lafleur (UN) | Union Nat. | - | - *** |
| 1940 | Adélard Godbout (L) | Liberal | 9-67 | 11 **** |

- * Premier Taschereau was personally opposed to the women's vote and invoked ministerial solidarity with members of his party, notably in 1936, in order to prevent passage of the bill.
- ** That vote was on an amendment to the Elections Act, to remove the word "male" from Section 21 of the Act concerning the revision of the law governing elections. Premier Maurice Duplessis was personally opposed to the franchise for women.
- *** The bill had been referred to the Committee on Public Bills before being introduced in the Assembly. It was rejected by the Committee although the legislators congratulated the women's delegations that had appeared to support the women suffrage.
- **** Premier Adélard Godbout had nevertheless voted against the bill during the whole period during which he was a minister in the Taschereau Cabinet.

Source: Cleverdon, C.L.: The Woman Suffrage Movement in Canada, Toronto, University of Toronto Press, 1950, Ch. 7, pp. 214-264.

MAJOR AMENDMENTS TO THE CIVIL CODE OF THE PROVINCE OF QUEBEC CONCERNING THE LEGAL STATUS OF MARRIED WOMEN

| Date | Title of Law | Changes Effected | Section of Code |
|---------|---|---|--|
| 1915 | Loi Pérodeau | 1. A married woman can <u>inherit</u> from her intestate husband in the absence of heirs in the third degree: father, mother, sister, nephew, niece. 2. A married woman can <u>inherit</u> together with heirs down to the third degree. | 624 a) 624. b) c) 1425 a) s.a. |
| 1931 | Recommendation of the Dorion Commission | 1. A married woman can reserve to herself the administration of <u>reserve property</u> made up of the proceeds of her personal work 2. A married woman separate as to property has <u>free disposal</u> of all her moveable property without authorization from her husband. 3. A married woman separate from bed has full legal capacity. 4. <u>Facilities are increased</u> in obtaining separation of property | 1422 210 1311 to 1314 279 a) |
| 1945 | | 1. A married woman is the <u>owner</u> of damages paid to her. | 56 a) |
| 1951 | | 1. A married woman can exercise her civil rights <u>under her own name</u> . | 188 |
| 1954-55 | | 1. Repeal of the double standard: a married woman can seek separation from bed on grounds of adultery by the husband. | 174 175 |
| 1964 | Bill 16 | 1. Equality of the consorts in the conjugal association 2. A married woman can choose a residence other than that of her husband in case when such residence presents dangers. 3. A married woman has full legal capacity subject only to such restrictions as arise from her matrimonial regime. a) a married woman has power to <u>represent</u> her husband b) a married woman may engage in a calling distinct from that of her husband c) a married woman can be authorized by a judge to assume the husband's responsibilities in the case of his incapacity and when required 4. A married woman separate as to property a) has the right to tutorship b) can be appointed a curator c) has the right to make or to accept a gift <u>inter vivos</u> d) has the capacity to contract e) has the capacity to appear in judicial proceedings and to sue f) has the right to accept a succession g) has the right to accept testamentary executorship h) has the right to administration and free disposal of her own property 5. A married woman in community of property a) has the same rights as a married woman separate as to property, with the consent of her husband. 282-336-763-986 a)-643-906 b) is responsible for her husband's debts and reciprocally c) has the right to administration of her own property subject to certain reservations d) has a right to carry a trade without her husband's consent, subject to certain conditions | 177-1259 178 to 180 181 183 282 336 o) - 338 763 986 a) 986 a) 943 906 1422 1294 1297 182 1425 s.a. |
| | | 6. <u>Extension of property reserved to married women</u> | |

Source: Brief submitted by the Chamber of Notaries to the Royal Commission on the Status of Women; Laberge-Colas, Réjane, "L'incapacité de la femme mariée" dans la Revue du Barreau, XXIII, no. 10, p. 575-589; Civil Code of the Province of Quebec.

TABLE 6

VITAL STATISTICS FOR THE PROVINCE OF QUEBEC

| <u>Year</u> | <u>Birth rate</u> |
|-------------|-------------------|
| 1936 | 24.3 |
| 1937 | 24.1 |
| 1938 | 24.6 |
| 1939 | 24.7 |
| 1940 | 25.6 |
| 1941 | 26.8 |
| 1942 | 28.0 |
| 1943 | 28.6 |
| 1944 | 29.2 |
| 1945 | 29.3 |
| 1946 | 30.7 |
| 1947 | 31.1 |
| 1948 | 30.3 |
| 1949 | 30.1 |
| 1950 | 30.0 |
| 1951 | 29.8 |
| 1952 | 30.3 |
| 1954 | 30.4 |
| 1955 | 29.5 |
| 1956 | 29.4 |
| 1957 | 29.7 |
| 1958 | 28.8 |
| 1959 | 28.3 |
| 1960 | 26.8 |
| 1961 | 26.1 |
| 1962 | 25.1 |
| 1963 | 24.4 |
| 1964 | 23.4 |
| 1965 | 21.2 |
| 1966 | 19.0 |

Source: Vital Statistics, 1966, Dominion Bureau of Statistics, Catalogue No. 84-202.

N.B. In 1967, the birth rate in the Province of Quebec was 17.1. Now, it is about 15, (1968).

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(N.B. An in depth and scientific study of the status of women in the province of Quebec would require long and diversified research: it would take many years to complete such a study. The present study was based on varied works, as to their subject and quality, as well as on a certain amount of printed matter. The following list is therefore incomplete and does not claim to cover the whole subject. M.D.J.)

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HISTORY OF WOMEN'S RIGHTS IN CANADA

by

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INTRODUCTION

Within the past century the status of women in Canada has changed with astonishing rapidity. A hundred years ago, women were considered useful but secondary members of a pioneer agricultural society. They had no political rights and few legal rights. Denied higher education, they could not enter the professions or earn more than a bare livelihood. Married women had so little control of their affairs that they could not own property, keep money they earned or have custody of their children.

Today Canadian women enjoy many, though still not all, of the legal rights accorded to men. They are accepted in the labour force and their attainments in the professions, the arts and industry are recognized. Compared with the obvious limitations imposed on women at the time of Confederation, many pressures that still bar them from full equality with men are subtle and elusive. Such questions as to why women seldom reach top management in business, and why married women with young children or with husbands who can support them are criticized if they work for pay, are too entangled with society's attitudes to be easily answered.

This study traces the development of women's rights in Canada with the exception of Quebec which is the subject of a separate study.

1. RIGHTS OF PIONEER WOMEN

In the pioneer conditions typical of most parts of English-speaking Canada during the 19th century, women were respected as individuals for their usefulness in family, church and community life. Many women, like the Strickland sisters Susanna Moodie and Catharine Parr Traill who wrote so engagingly about Ontario in the 1830's and 1840's, came to this country from a background of education and moderate luxury. Their accounts of endurance, adaptation and achievement are typical of the experience of thousands of pioneer women whose histories are unrecorded. Many helped to clear land and plant crops; when they had to, they shouldered muskets to defend their homes. Working beside men, women deserved and received a certain voice in the conduct of community affairs.

Whatever status women earned in pioneer society was not accurately reflected in legal and political rights. Though their voice might be listened to in private, it could not be heard at the polls or in the law courts. In accordance with the social and religious mores that pioneer men upheld and pioneer women accepted, the security of a married woman was vested by law entirely in her husband. She had no right to property in her own name. Her only basic legal right was the right to support by her husband with the necessities of life according to his means.

These customs were rooted in English common law and reinforced by the harsh economic demands of the new land. Under common law, a woman's independent existence was terminated by marriage, when her husband assumed control of her person, all her property and her earnings. This principle of common law was expounded by the English jurist Sir William Blackstone two hundred years ago: "The husband and wife are one and that one is the husband...Even the disabilities that the wife lies under are for the most part intended for her protection and benefit." Since English common law prevails in Canada (always excepting Quebec) until it is superseded by Canadian statute law, Canadian wives have had to win their freedom through a series of laws that explicitly grant certain personal and political rights to women.

Again following English common law, women in 19th century Canada had no legal rights in the guardianship of their

children. Blackstone's 18th century pronouncement was still valid: "Mothers, as such, are entitled to no power, only reverence and respect." No contract before marriage giving the wife custody of the children of that marriage was considered binding on the husband, nor would the courts enforce it. The father was sole guardian of his children until they reached the age of 21. He could educate them how and when he pleased, give them in adoption or bind them out as apprentices, and he was entitled to all their earnings. Until they reached their majority, he had complete control and custody of their persons.

A mother had no more legal relationship to her children than a stranger. If she committed adultery, she was not even entitled to see her children; this restriction did not apply to the father. After her husband died, she could be ousted altogether by a guardian appointed by the father in his will.

The father also had sole right to choose his children's religion. No premarital contract stipulating that the children were to be brought up in a faith other than that of their father was binding on the intended husband, except in Nova Scotia. In other provinces, control of the religious education of the children passed from the father when he died to any guardian he appointed in his will.

Though neither married nor single women could vote or stand for election to public office in 19th century Canada (except in Quebec where from 1809 to 1834 women who owned property could exercise the franchise), unmarried women over 21 years of age enjoyed the same personal and property rights as men. Apart from certain civil disqualifications and professional exclusiveness, the old common law imposed no disabilities on single women who, when they were 21 and of sound mind, had always been legally allowed to manage and bequeath their own personal property and real estate. No limits were placed upon their acquisitiveness or their rights of inheritance. For legal purposes, widows were treated as single women.

Even the rights of single women were precarious, since they were forfeited on marriage and unsupported by enfranchisement. Until they were entitled to vote, women could hope to

improve their legal rights, and hence their social and economic situation, only by appealing to a sense of justice in legislative bodies empowered by a totally male electorate.

2. IMPROVEMENTS IN BASIC LEGAL RIGHTS

In a century of history three social upheavals have contributed to improvements in the legal protection of women: the industrial revolution and two world wars.^{1/}

England's Industrial Revolution was extended to Canada in the 19th century offering monetary rewards for traditional women's skills and drawing large numbers of women out of the home and into the factory. Working conditions in the new industries were often substandard although never as appalling as the sweat shops in England. Therefore labour standards and health protective measures eventually enforced to protect male workers were equally necessary for women.

Protective Labour Legislation

Since most labour legislation comes under provincial jurisdiction there is considerable diversity in labour laws. Certain protective rights have been established for workers. In general, both men and women are protected by the same laws on minimum wages, maximum hours and unemployment insurance. Provincial statutes governing statutory holidays, vacations and workmen's compensation apply equally to men and women. A number of health and safety provisions apply particularly to women workers such as restrictions placed upon the weights women may lift and prohibition of night work. Equal pay legislation has been on the federal statute books since 1956 and there are equal pay laws in eight of the ten provinces. Fair Employment Practices Acts, federal (1953) and provincial, are designed to prevent discriminatory practices in employment

^{1/} Only a brief summary of the legal rights of women is included in this study as they are examined in depth in legal studies published by the Commission dealing with Family Law.

because of a person's race, colour, religion or national origin; only the Canadian Bill of Rights (1960) forbids discrimination on the grounds of sex.

In Canada, laws dealing with personal and property rights come under provincial jurisdiction. In the nine provinces in which civil law is based on the common law of England, legislation granting rights to women has generally followed similar amendments to English law with minor legal variations in each province.

Married Women's Property Acts

In England, the enactment of The Married Women's Property Act of 1870 was an important step in recognizing the right of a married woman to hold property in the same manner as if she were unmarried. Ontario was the first province to follow English example by passing a Married Women's Property Act in 1872. Subsequently Married Women's Property Acts were introduced in the other provinces: British Columbia, 1873; Manitoba, 1875; Newfoundland, 1876; Nova Scotia, 1884; Northwest Territories, 1886; New Brunswick, 1896; Prince Edward Island, 1896; Saskatchewan*, 1907 and Alberta*, 1922. In general, these provincial acts provide that married women may own and administer their own separate property and enter into contracts. They may have, hold and dispose of all the real or personal property they have acquired or inherited in the same manner as if they were unmarried.

Protection of Wives and Children

Canadian law regards a wife as her husband's dependant. The husband's obligation to support her has early foundation in common law: he must provide her with food, shelter, clothing and medical attention commensurate with his means. She has a long-standing right to pledge his credit for necessities although she cannot legally demand more than is legally and reasonably sufficient or obtain goods on credit if he has no credit.

Provincial legislation to protect deserted families takes the form of a Deserted Wives' and Children's Act or equivalent act. The first legislation was enacted in British Columbia when the Deserted Wives' Maintenance Act was passed in 1901;

* Saskatchewan and Alberta were not constituted as separate provinces until 1905.

it has since been amended several times. The procedure is similar in all provinces. Through the courts a deserted wife may obtain a maintenance order against her husband for support for herself and her children. Adultery which has not been condoned by her husband may disqualify her claim for support for herself. Through reciprocal arrangements with other provinces and with certain countries maintenance orders can now be enforced against men who no longer reside in the province.

Under Mothers' Allowance Acts, allowances are paid by the provincial governments to needy mothers if the father is unwilling or unable to support his children. Manitoba passed the first Mothers' Allowance Act in 1906 and all other provinces have since followed suit. Under the Family Allowance Act passed in 1945 every mother in Canada responsible for the maintenance of a child is entitled to receive from the federal government a monthly allowance for each child up to 16 years and a Youth Allowance to 18 years if the child is in school.

Guardianship of Infants

The right of married women to custody of children came in provincial statutes from 1910 to 1923. Wives and husbands now have equal powers, rights and obligations for the care, custody, education and control of their children. The British Columbia Equal Guardianship of Infants Act, 1917, was a great triumph for Helen Gregory MacGill, Judge of the Juvenile Court in Vancouver, B.C.

Inheritance and Inheritance Taxation

Property rights of widows and children are covered by provincial inheritance statutes which entitle the widow to a preferential share of her husband's estate if he dies without a will. Where a husband dies leaving a will which does not make adequate provision for the future maintenance of his family but leaves his property to others his wife can apply to the courts for relief. The "morals" test applies here also. In some provinces her rights would be affected by any existing dower provisions.

Prior to the federal Estate Tax Act of 1958, a widow was allowed, on compassionate grounds, a tax-free exemption from succession duties of only \$20,000 on the estate of her

deceased husband. Equality in the marriage partnership was finally recognized, in principle, in 1968 when gift and estate taxes were eliminated on all transactions between husband and wife. No estate taxes will be imposed until after the death of the surviving spouse.

Citizenship of Married Women

The right of a Canadian woman to retain her Canadian citizenship on marriage to an alien came in the Canadian Citizenship Act of 1946. Before this legislation came into effect on January 1, 1947, a woman who was a British subject became an alien if, by her marriage to an alien, she automatically acquired the nationality of her alien husband. The 1949 amendment to the Canadian Citizenship Act provides that a woman who lost her citizenship by marriage prior to 1947 may become reinstated as a Canadian citizen by making application to the Secretary of State who may, in his discretion, grant her a certificate of citizenship.

3. DEVELOPMENTS IN EDUCATION

In every country education is recognized as the key to improvement in the status of women. Yet equal opportunity, especially unrestricted admission to institutions of higher learning, did not come easily to Canadian women. Though public elementary and secondary schools were co-educational, it took courage and persistence for Martha Hamm Lewis to attend normal school in New Brunswick in 1849. Repeatedly refused admission to normal school in Saint John on the grounds that no woman had ever been admitted, she appealed to the Lieutenant-Governor who ruled that she could enter. The alarmed principal stipulated that she must enter the classroom 10 minutes before the male students, sit alone at the back of the room, always wear a veil, leave the classroom five minutes before the end of the lesson and leave the building without speaking to any of the young men. Martha survived these restrictions and in 1850 received her licence to teach. By 1867, women were admitted to training schools for teachers in most provinces.

In 1867, no Canadian university had yet granted a degree to a woman, although Mount Allison University in Sackville, N.B., admitted women to classes as early as 1858. It was not until 1875 that Grace Annie Lockhart graduated with a B.Sc. from Mount Allison, the first woman in the British Empire to receive a university degree. In 1879 the University of King's College, Halifax, granted its first B.A. to a woman, Sarah Maude Doane, who declined to attend Convocation "because

of all those men." Acadia University's first woman graduate was Clara Bell Marshall who received her B.A. in 1884. Dalhousie University granted Margaret Newcombe a B.A. in 1885.

Views on the education of women were more liberal in the universities in Nova Scotia and New Brunswick than in Ontario and Quebec. Queen's University, Kingston, was Ontario's first university to admit women, in 1869; it was 10 years before they were admitted to all classes, and another five before the first woman graduated. Dr. Aletta Marty, a distinguished Queen's graduate in arts in 1894, became the first woman school inspector in Canada in 1919 in spite of bitter opposition to her appointment.

Dr. Emily Howard Stowe, who had obtained her own degree in New York in 1868 after being refused admission to the University of Toronto School of Medicine, established herself as a practising physician in Toronto and later entered her daughter in the Toronto School of Medicine from which she graduated in 1883. The following year Elizabeth Smith (later Dr. Elizabeth Shortt) obtained the degree of M.D., C.M. from Queen's University and was made a member of the Ontario College of Physicians and Surgeons.

In 1883 and 1884 Kingston Women's Medical College and the Toronto Women's Medical College were founded because women were having great difficulty in being admitted to existing medical colleges. For economic reasons, the Kingston college was closed in 1895. In 1905, the Toronto Women's Medical College merged with the University of Toronto School of Medicine. Queen's medical faculty remained closed to women until 1942.

Victoria University, then located in Cobourg, Ontario, admitted its first woman student, Nellie Greenwood, in 1880, and she graduated in 1884. In 1954, at the age of 90, she was awarded a Diploma of Honour from Victoria University (University of Toronto).

In 1884, the Ontario legislature voted to make the University of Toronto co-educational, doubtless for reasons primarily economic. Five ambitious women who had been taking the examinations for courses, in spite of the fact that they were not allowed to attend classes, emerged in the graduating class of 1885.

Helen Gregory MacGill was the first woman in Canada to receive, in 1886, the Mus. Bac.. She then became the first woman undergraduate admitted to Trinity College, Toronto, where she passed with first-class honours but, being a woman, was not eligible for a degree, only a certificate. In 1889, Trinity precedent was broken when Miss Gregory was awarded the degree of Bachelor of Arts cum laude.

Programmes for the education of women have developed through the years so that women in Canada now have access to education at all levels from primary to post-graduate. New patterns of work and leisure, coupled with a lengthening life span, afford more opportunities for extension of study and diversification of occupation than has been possible for previous generations. And yet, in spite of the general admission of women to higher education and the ever-widening range of careers open to university women, restrictions still exist.

4. WOMEN IN THE PROFESSIONS

Women who first entered the professions traditionally reserved for men encountered great difficulty in acquiring training and later in establishing a place for themselves in the profession. This is clearly demonstrated in the struggles of professional women who were the first to enter their respective fields, such as Dr. Emily Howard Stowe, first woman to practise medicine in Canada, Clara Brett Martin, first woman lawyer, Dr. Alice Wilson, first woman geologist, Elsie Gregory MacGill, first woman aeronautical engineer, and others.

Medicine

The practice of medicine would seem a natural extension of a woman's interest and skill in guarding the health of her family, reaching into the wider field of concern for the ailing and helpless in the community. Her inquiring mind should be invaluable in medical research; her fingers skilfully adapted to guiding the surgeon's knife. And yet, when Emily Howard Stowe applied for admission to the University of Toronto her application was refused. The decision of the Senate not to admit her was based on the fear that women students would make discipline too difficult.

In spite of complaints from her male colleagues that she was practising illegally since she was not a member of the Ontario College of Physicians and Surgeons (nor could she be a member without attending a Canadian medical school, no one of which would admit a woman) she continued to practise. Not until 1880 did she formally get her licence.

Dr. Stowe's daughter Augusta entered the Toronto School of Medicine, affiliated with Victoria University at Cobourg. In 1883, Augusta received her medical degree, the first woman to study and graduate in medicine from a Canadian university. Soon after graduating she married a fellow student, Dr. J. B. Gullen, and they became the first husband-and-wife team to practise medicine in Canada. Like her mother, Augusta also became a tireless worker in the woman suffrage movement.

Dr. Maude Abbott (1869-1940), who graduated in medicine from the University of Bishop's College in 1894, with brilliant honours, had previously been refused entrance to the McGill medical faculty which remained closed to women until near the end of the First World War. Her outstanding research in congenital cardiac diseases brought high praise from the great Sir William Osler, established her international reputation as an authority in this field and laid the foundation for cardiac surgery that now repairs many congenital abnormalities. In 1910, McGill University recognized her work with an M.D., C.M. (honoris causa), the degree she had tried to earn in 1890, and in 1936 granted her an honorary LL.D.

Law and the Judiciary

In 1897 Clara Brett Martin became the first woman lawyer in the British Empire. In 1891, after the Benchers of Ontario had refused her first application she successfully petitioned for admission as a student-at-law but in fact was not allowed to practise as a solicitor until she made a further appeal. Women were granted permission to act as barristers in Ontario in 1895, and Miss Martin was called to the Bar of Ontario in 1897. Before her death in 1923 all provinces except Quebec allowed women to study and practise law.

The first woman King's Counsel in the British Empire was Helen Kinnear, appointed in 1934. In 1935 she became the first woman lawyer to plead a case before the Supreme Court of

Canada; in 1943 she was made County Court Judge for Haldimand County in Ontario, the first woman in the British Commonwealth to be appointed to the Bench. On February 20, 1969, Réjane Laberge-Colas was appointed puisne judge of the Quebec Superior Court for the district of Montreal, the first woman in Canada to be named to the bench of a Superior Court. Today nine women in Canada are wearing judge's robes, but no woman has yet been appointed to the Supreme Court of Canada.

Theology and the Ministry

The emancipation of women in other professions has not been matched in the ministry, but the attitudes of some churches toward women appear to be gradually changing. The United Church of Canada, for example, which ordained its first woman minister in 1936 and now supports about 65 women ministers, has raised the question of women clergy as a possible condition of union with the Anglican Church. The Baptist Church has four ordained women. The Presbyterian Church in Canada ordained its first woman minister on May 29, 1968. Although some leaders of the Reform Jewish movement foresee the eventual acceptance of women as rabbis, there are no women rabbis in Canada today.

Statistics for the three classical professions indicate that in 1961 Canada was still very much a man's world. Women that year accounted for seven per cent of its physicians and surgeons, three per cent of its lawyers and notaries and less than one per cent of its clergy.

Science and Engineering

Canada's first woman agricultural expert was internationally known long before any Canadian university granted a degree in agriculture to a woman. E. Cora Hind, agricultural editor of the Manitoba Free Press in the first quarter of this century, was renowned for the extraordinary accuracy of her annual predictions on the size of the Canadian wheat crop.

The first female graduate of an agricultural college in Canada was Dr. Margaret Newton, whose research into wheat-stem rust has solved this problem for Canadian farmers. Originally refused admission to Macdonald College, Ste. Anne de Bellevue, on the grounds of her sex, she was later admitted

and graduated in 1915. She was elected a member of the Royal Society in 1943 and was awarded its Flavelle Gold Medal in 1948, first graduate of an agricultural college to receive this award. In 1956, the University of Minnesota presented her with its Outstanding Achievement Award.

Dr. Alice Evelyn Wilson, M.B.E., was 44 when a \$1,000 fellowship from the Canadian Federation of University Women launched her distinguished career in geology. In 1909 she joined the staff of the Geological Survey of Canada, the first woman the Survey had hired as a professional or had sent out on field work. In 1926, when she was awarded her fellowship for post-graduate work, her leave of absence was at first refused and then granted without pay although leave with pay was then accorded her male colleagues in similar situations. Although her studies were interrupted by a severe illness and prolonged by the need to return to the Survey at six-month intervals to earn enough money to finish her course, she received a Ph.D. in geology from the University of Chicago in 1929.

In 1948, after nearly 40 years with the Geological Survey, she officially retired but continued to lecture in paleontology and to serve as a geological consultant to the Canadian and Ontario governments. Through her publications she became internationally known as an authority on the fossil formations of the Ottawa-St. Lawrence lowland area. Her contribution to geological field work brought her recognition on the King's Honours List in 1935. In 1938 she was made a Fellow of the Royal Society of Canada, the first woman and one of the very few women to receive this distinction. The University Women's Club of Ottawa, of which she was a charter member, named a scholarship in her honour in 1952. In 1960, she became the first woman to receive an honorary doctorate of laws from Carleton University. She died on April 15, 1964.

From 1926 to 1951, Dr. Hilda W. Fritz, plant pathologist in the Ottawa Forest Products Laboratory, did research on red-stained jack pine railway ties which conserves several million dollars' worth of Canadian timber a year.

Since 1936 the prominent astronomer Dr. Helen Sawyer Hogg has been associated with the David Dunlap Observatory, Richmond Hill, Ontario, and Professor of Astronomy at the University of Toronto. Dr. Hogg was the first woman elected

a Fellow of the Royal Astronomical Society of Canada and the first woman elected president of the Royal Canadian Institute.

Elsie Gregory MacGill, P. Eng., daughter of Judge Helen Gregory MacGill, was the first woman to graduate in engineering from the University of Toronto and, in 1929, the first to take a master's degree in aeronautics at the University of Michigan. As chief aeronautical engineer of Canada Car and Foundry Company she carried through the design, testing and certification of a primary training aircraft in 1939, and during the Second World War was in charge of all engineering work in the Canadian production first of Hawker Hurricane fighters made famous through the Battle of Britain, and later of Curtiss-Wright Helldiver fighters for the U.S. Navy. She was elected the first woman member of the Engineering Institute of Canada in 1938, and is a member of other national and international engineering associations.

5. THE RIGHT TO VOTE

Increased educational and employment opportunities encouraged requests by women for more legal rights. No other legislation, however significant, could improve the situation of women so much as the power to take part in government: the right to vote. In Canada the campaign for female suffrage, initiated by Dr. Emily Howard Stowe in 1876, was not finally won until Newfoundland lowered the voting age for women to 21 in 1948, when the colony entered Confederation.

Although Canadian women received full enfranchisement before the women of Great Britain or the United States, the Canadian movement had its roots in these two nations where women concerned with questions of social welfare had long realized that their ability to effect reforms was impeded by their lack of voting power. In England the movement gathered impetus in the second half of the 19th century, winning such influential advocates as John Stuart Mill. In 1885 the suffragist leader Millicent Fawcett organized various groups into the National Union of Women's Suffrage Societies. In 1903, after persistent debate had failed to persuade Parliament to enfranchise women, Emmeline Pankhurst formed the Women's Social and Political Union, an action committee which grew into the militant suffragette wing of the broader suffrage movement. Between 1905 and 1914, the W.S.P.U. aroused public attention with an indefatigable

campaign of spectacular demonstrations and property damage. The First World War, which ended its activities, also silenced opposition to female suffrage, which was granted in Great Britain in limited form in 1918 in recognition of the outstanding contribution women of Britain had made to the war effort. Suffrage was extended to women on the same terms as male suffrage in 1928.

The first formal demand for female suffrage in the United States was made in 1848 at Seneca Falls, N.Y., by a group led by Elizabeth Cady Stanton, who spent her life campaigning for women's rights and became first president of the National American Women Suffrage Association when it was formed in 1890. The early American suffragists were concerned with the abolition of slavery. Later in the century Susan B. Anthony, Anna Howard Shaw, Jane Addams and other prominent leaders linked the movement with such causes as public health and especially the prohibition of liquor, and this interest in temperance carried over into the Canadian campaign for women's suffrage.

The Canadian movement, concentrated in the last quarter of the 19th century and the first quarter of the 20th, borrowed inspiration from suffragists in the United States and Great Britain, although it never adopted the militant methods of the English suffragettes. Lectures by Susan B. Anthony and Anna Shaw were enthusiastically attended in Toronto in 1889. Mrs. Pankhurst made the first of several successful visits to Canada in 1909.

Demand for political equality was by no means unanimous across Canada. The early female suffragists encountered some of the fiercest criticism from their own sex. Many women were completely indifferent; some were openly hostile. Suffragist leaders were mostly drawn from the small minority of professional or self-employed women or were wives of men with some economic independence. While working-class women, drawn into the labour force in the wake of the Industrial Revolution, were struggling to improve their working conditions, women in the middle class were beginning to question their social uselessness and their rejection in law, education, employment and politics.

The first female suffrage organization in Canada was

formed by Dr. Emily Howard Stowe of Toronto, after she had attended a meeting of the American Society for the Advancement of Women in 1876. A sensible woman, clever, kind and far from overbearing, she led the movement through the early period when opposition to it was widespread and often bitter and irrational. Dr. Stowe, a pioneer in medicine as well as suffrage, began teaching at the age of 15 and became principal of a public school in Brantford, Ontario, at 22. Years later, with three children and an invalid husband, she determined to study medicine. Refused entry to the University of Toronto on the grounds of her sex, she enrolled in the New York Medical College for Women where she graduated in 1868 at the age of 37, Canada's first woman physician. She then practised medicine successfully in Toronto until she retired in 1893 after being injured in an accident at the Chicago World's Fair.

In November 1876, Dr. Stowe formed the Toronto Women's Literary Club, whose members gave lectures on such topics as horticulture, health, child labour, sanitation, and the benefits of the franchise. The club was reorganized in 1883 as the Toronto Women's Suffrage Association, with Mrs. Donald McEwan as president and Dr. Stowe as one of the elected officers, several of whom were men.

In 1884, widows and spinsters with property qualifications were allowed to vote in Ontario municipal elections. A year earlier Sir John A. Macdonald had succeeded in putting through his bill for uniform male federal franchise; the bill originally included a clause enfranchising unmarried women, which provoked such strong criticism that it was dropped. Nevertheless, growing activity and enthusiasm led in 1889 to the formation of a national organization, the Dominion Women's Enfranchisement Association (later the Canadian Suffrage Association), with Dr. Stowe as president, a post she held until her death in 1903.

The arguments brought forward to oppose enfranchisement of women included: the right to vote is linked with a man's duty to take up arms for his country, which women cannot do; men have managed the country well, why allow inexperienced women to meddle in government; women are physically too weak to withstand the rigours of elections; women lack the mental capacity to comprehend political problems; allowing women to vote or run for office would diminish their femininity, destroy the harmony of the home and lead to a decline in the birth rate --

a fear shared by many women as well as men. Women were told that they did not need the ballot since they could achieve more by "loving persuasion". Few men believed that their wives and daughters really wanted the vote or would use it if they had it. When Premier W.H. Hearst of Ontario used this argument during a franchise debate in 1916, a member pointed out that nearly half the men eligible to vote in Hearst's own constituency had not bothered to visit the polls in the last election.

Anti-suffrage arguments were vigorously opposed by advocates of woman suffrage. These included many prominent men, one of whom, Dr. James L. Hughes of Toronto, in 1895 issued a pamphlet in which he countered 42 stock objections to female enfranchisement and listed 27 arguments in its favour.

The suffragists appealed for simple justice: since women paid taxes they had a right to help frame the laws that governed them. They contended that women would take a special interest in government in matters concerning health, education and child protection. Though many women were not interested in public affairs the vote would educate them and thus produce an informed body of useful citizens. Extravagant claims were made for the influence the women's vote would have on moral questions, especially prohibition. A few enthusiasts even predicted that if women had the vote there would be no more war.

Although the nerve centre of the movement in each province was a small group of dedicated women, usually working in the principal city, these determined bands had very strong support from the farmers' organizations in the Prairie Provinces, organized labour groups in British Columbia, a substantial number of Protestant clergy, influential sections of the press, and national women's organizations. The first of these to give its support was the Women's Christian Temperance Union which achieved national status in 1885. The National Council of Women of Canada, organized by Lady Aberdeen in 1893, and the Women's Institutes, formed in 1897 by Adelaide Hunter Hoodless, threw the considerable weight of their memberships into the struggle.

Granting of the Franchise

Women in active military service and certain female relatives of men in such service were the first to be granted

the right to vote in Dominion elections, in 1917. The federal franchise was granted to all women on May 24, 1918. The right to sit in Parliament came in 1919.

Between 1916 and 1922 all provinces except Quebec (and Newfoundland, then a separate colony) granted women the right to vote in provincial elections.

Women received the suffrage first in the Prairie Provinces. This was parallel to the trend in the United States, where the vote was given to women in the frontier states of Wyoming, Colorado, Utah and Idaho before the end of the 19th century. The territory of Wyoming, which had decreed full political equality in 1869, became in 1890 the first state to enter the Union with full suffrage for women. In Canada, most people in the traditionally conservative Maritime Provinces long remained apathetic or unsympathetic to female suffrage.

On January 28, 1916, Manitoba passed the first woman suffrage act in Canada. For the first time in Canadian history women were granted full political enfranchisement in provincial elections and the right to sit in a provincial legislature. When the bill passed its third reading by unanimous vote on January 27, the galleries of the Legislature were packed with women who cheered wildly and sang, "For They Are Jolly Good Fellows". As an unprecedented gesture, eight seats on the floor of the Legislature were occupied by members of the Manitoba Political Equality League, which was chiefly responsible for the victory. Formed four years earlier by prominent Winnipeg men and women, the League drew support from male organizations such as the Grain Growers' Association of Manitoba as well as such groups as the Icelandic Woman's Suffrage Association and the Women's Christian Temperance Union.

Most diligent of the League's members was the remarkable Nellie McClung, novelist, teacher, lecturer, legislator, church and temperance worker and dedicated suffragist. She was 16, with only six years of schooling behind her, when she graduated from Winnipeg Normal School and began to teach in Manitou, Manitoba, in 1890. Happily married and eventually mother of five children, she treated as a joke the attacks of critics who accused her of neglecting her family; her youngest son was coached to tell visitors, "I am a suffragette's child, and never knew a mother's love". On the lecture platform she

used humour to demolish anti-suffragist arguments. When opponents claimed that women wouldn't use the vote Mrs. McClung told the story of an old man who turned out to vote for the first time in 15 years, saying, "You bet I came out today, to vote against givin' these fool women a vote. What's the use of givin' them a vote? They wouldn't use it."

In 1914 her mockery was turned on Manitoba Premier Sir Rodmond Roblin, an adamant opponent of female suffrage. He countered a delegation led by Mrs. McClung with a long argument to the effect that woman's place was in the home, and added that his wife agreed with him. "When I come home at night," he said, "I don't want a hyena in petticoats talking politics to me, I want a sweet gentle creature to bring me my slippers." The next night the Political Equality League hired the Walker Theatre and staged a burlesque skit in which an all-woman Parliament debated whether to give men the vote. Premier McClung, in a wickedly witty parody of Roblin, declared, "Politics unsettles men and unsettled men mean unsettled bills, broken furniture, broken vows and divorce. Man's place is on the farm." The theatre was jammed, the applause was wild, and the evening was later given some of the credit for the defeat of Roblin's government the following year.

Saskatchewan granted suffrage and eligibility to hold public office to women on March 14, 1916; Alberta on April 19, 1916; and British Columbia on April 5, 1917.

Nellie McClung, who was in the forefront of the Manitoba campaign right up to the moment of success, turned her energies to getting the vote for women in Alberta, where she had moved with her family in 1914. She then helped to lead the two-year crusade that won Canadian women the federal vote in 1918, before either Great Britain or the United States gave them full enfranchisement. She was elected to the Alberta legislature in 1921 and defeated in 1926. She was one of the five Alberta women who initiated the famous Persons Case. Three special honours came to her: appointment to the Dominion War Council in 1918 as the only woman; to the Board of Governors of the Canadian Broadcasting Corporation, 1936-1942, as its first woman member; and to the League of Nations in 1938, as the only Canadian woman delegate.

On April 12, 1917, Ontario passed legislation allowing women to vote but they were not made eligible to hold

political office in Ontario until April 24, 1919.

Nova Scotia granted women the right to vote and hold office on April 26, 1918. New Brunswick granted them the right to vote on April 17, 1919, but withheld eligibility for public office until 1934. In Prince Edward Island, women became enfranchised and eligible for office on May 3, 1922. Quebec did not follow suit until April 25, 1940.

On April 13, 1925, Newfoundland granted the vote to women aged 25 and over. By the Terms of Union of Newfoundland with Canada, 1948, women were granted the right to vote in provincial elections on an equal basis with men.

6. WOMEN IN PUBLIC LIFE

In the first federal election in which all women had the right to vote, in 1921, the first Canadian woman Member of Parliament was elected. This was Agnes Campbell Macphail, a schoolteacher from Grey County, Ontario, who won five straight elections and sat in the House of Commons for 19 years.

During her first term in Ottawa Miss Macphail turned back \$1,500 of her \$4,000 annual salary to the Minister of Finance in a public appeal for government economy. She advocated monetary reform and a central bank. She introduced the need for penal reform into Commons debate in 1925 and reiterated it year after year until the government set up a Royal Commission to investigate the Canadian penal system, the Archambault Commission appointed February 1936. She hammered away at every session for wider social security including unemployment insurance, baby bonuses, and pensions for the aged, blind and disabled. Before the end of her stay on Parliament Hill, all her social welfare proposals had become law.

Defeated in the 1940 federal election, Miss Macphail served two terms in the Ontario legislature where she crusaded for better training schools for teachers, free milk for school children, equal pay for women in industry, better conditions for labour and the farmer, and women's prison reform. She played a leading role in organizing the Elizabeth Fry Society of Toronto to aid women prisoners.

The first women elected to a provincial legislature were Louise McKinney and Roberta Macadams of Alberta, in 1917. British Columbia's first woman member was Mary Ellen Smith, elected in 1918, who became the first woman cabinet minister in Canada in March, 1921, when she was appointed minister without portfolio by Premier John Oliver. In August of the same year Irene Parlby was made minister without portfolio in the Alberta cabinet, a position she held for 14 years. The first woman cabinet minister with portfolio was Tillie Rolston, appointed Minister of Education for British Columbia in 1952. Nancy Hodges, later Senator Hodges, was the first woman Speaker in Commonwealth history, holding office in the British Columbia legislature from 1950 to 1952.

It was not until 1957 that a woman was appointed to the federal cabinet. This was Ellen Fairclough, a certified public accountant from Hamilton, Ontario, who was appointed Secretary of State by Prime Minister John Diefenbaker. Less than a year later, she was given the Citizenship and Immigration portfolio. In February 1958, she was named acting Prime Minister for two days, thereby becoming the first woman in Canadian history to be addressed as "Madame Prime Minister". In 1962 she was made Postmaster-General.

Judy LaMarsh, a criminal lawyer from Niagara Falls, Ontario, was elected to Parliament in 1960. She was in Prime Minister Lester Pearson's cabinet for five years (1963-1968), first as Minister of National Health and Welfare and then Secretary of State. She handled some of the most controversial legislation to come before Parliament: the Canada Pension Plan, Medicare, and the new Broadcasting Act. Miss LaMarsh resigned from the cabinet on April 10, 1968, and did not seek re-election.

Women became eligible for appointment to the Canadian Senate when the Privy Council of Great Britain rendered a decision, in 1929, that the word "persons" in Section 24 of the British North America Act included members of both sexes. This ruling, which reversed the decision of the Supreme Court of Canada, marks a decisive point in Canadian legal history. The Privy Council referred in their judgment to the fact that John Stuart Mill moved an amendment on May 28, 1867, when the Representation of the People Bill came before a Committee of the British House of Commons, to leave out the word "man" and insert the word "person".

The appeal was carried to the Privy Council by five remarkably intelligent feminists from Alberta: Mrs. Henrietta Muir Edwards, Magistrate Emily F. Murphy, Mrs. Nellie L. McClung, Mrs. Louise C. McKinney and the Honourable Irene Parlby. It was generously acknowledged by the other four that chief credit for success belonged to Emily Murphy, who had inaugurated the movement and contributed to it her rare organizing ability and her exceptional skill in legal and political matters. After a distinguished career in voluntary welfare work, she had been appointed to preside over the newly established Women's Court in Edmonton in June, 1916, the first woman in the British Empire to occupy the post of police magistrate. During the years that followed she also served as president of the Canadian Women's Press Club, vice-president of the National Council of Women, and first president of the Federated Women's Institutes of Canada. In 1919, the Institutes, the National Council of Women and the Canadian Federation of University Women, passed resolutions urging the appointment of women to the Senate. The support of these organizations undoubtedly helped to create a favourable climate of opinion that culminated in the successful appeal in the Persons Case.

The first woman senator, appointed by Prime Minister Mackenzie King in 1930, was Cairine Wilson, who was especially concerned with the plight of European refugees after the Second World War. In 1950 she was created Knight of the Legion of Honour by the French Government for her refugee work.

In diplomacy, by custom a male prerogative before the World War of 1939-1945, only two women at present hold ambassadorial rank: Margaret Meagher was appointed Ambassador to Israel in 1958, later served as the first Canadian High Commissioner to Kenya, and was appointed Ambassador to Sweden, August 1, 1969. Pamela Ann McDougall was named Canada's Ambassador to Poland in January, 1968.

Despite individual achievements, women still have only token representation in fields where prestige or high monetary reward indicate that the positions are important. A recent survey (January 1968) of appointments to federal government boards, commissions and councils and to boards of directors of federal corporations, showed that out of a total of 838 appointees to 93 bodies only 57 (6.8 per cent) were women.

Only 17 have been elected to the House of Commons in the nearly 50 years since Agnes Macphail took her seat in 1921, and in the election of June 1968, only one woman was elected. Despite the work of Emily Murphy and her colleagues, only nine women senators have been appointed and only six now sit in that Chamber. There is a wide gap between the vote and acceptance of women at policy-making levels.

At the municipal level, a proportionately larger number of women are elected to municipal councils and school boards. Others fill non-elective posts on hospital and other local boards. Women voluntarily give their time and effort in service clubs, welfare groups, church associations, Business and Professional Women's Clubs, Women's Institutes, the Councils of Women and many other forms of community activity.

7. INFLUENCE OF WOMEN'S ORGANIZATIONS

Women have long recognized that they can make their influence felt in legislative circles by using the group method. Delegations and briefs presented at all levels of government have effected many desirable changes, particularly in legislation that affects women. The appointment, in 1895, of the first female factory inspector in Canada, was the result of pressure exerted by the National Council of Women whose members were appalled at the sweat shop conditions under which women and children were employed.

Lady Aberdeen and the National Council of Women

The National Council of Women of Canada was founded on October 2, 1893, with the help of Lady Aberdeen, wife of the Governor General. She had recently been elected president of the International Council of Women, an office she filled during three separate periods for a total of 36 years between 1893 and 1936. In Canada, working with women who were interested in forming the Council, she helped to organize it and became its charter president. During her five years in Canada 35 local councils were promoted.

Ingenious, energetic and devoted to public service, Lady Aberdeen led the Council in an impressive number of accomplishments, including the establishment of the Victorian Order of Nurses in 1897.

Before Lady Aberdeen returned to England in 1899, she made plans for member women's councils in Europe, formed the first of Canada's May Court Clubs in Ottawa in 1898, and outlined plans for Ottawa's parkway system to Prime Minister Sir Wilfrid Laurier.

Adelaide Hunter Hoodless and the Women's Institutes

The world's first Women's Institute was founded at Stoney Creek, Ontario, in 1897, by Lady Aberdeen's co-worker in the National Council of Women, Adelaide Hunter Hoodless. During her 52 years she helped to found the Young Women's Christian Association, the National Council of Women, the Victorian Order of Nurses, Macdonald Institute at Guelph, Ontario, the School of Household Science affiliated with McGill University, and the Women's Institutes which have spread around the world. From the Canadian idea grew the international Associated Countrywomen of the World, organized in 1933.

The death of her youngest child from impure milk shocked Mrs. Hoodless into an awareness of the lack of sanitation control and the need for domestic education of the women of her time. At the first annual meeting of the National Council of Women in 1894 she urged the Council, of which she was the first treasurer and for many years convenor of the committee of manual training and domestic science, to support the idea of domestic training for girls in the public school systems of Canada. By 1908 she had succeeded in having these courses introduced by 32 school boards, as well as some private schools.

8. ACCOMPLISHMENTS OF VOLUNTEER GROUPS

For more than 20 years the National Council of Women of Canada has made annual submissions to the federal government. The Canadian Federation of Business and Professional Women's Clubs, the Canadian Federation of University Women, the National Council of Jewish Women of Canada and the Federated Women's Institutes of Canada have also made repeated submissions to the federal government. Their provincial associations have presented to provincial legislatures resolutions and briefs dealing with matters that fall under their jurisdiction. While the national councils and federations were founded for differing purposes they have recognized that strength lies in unity. Each group has been ready to support the others in most requests for legislative changes.

Divorce Reform

From its beginning the National Council of Women was concerned with the inadequacy of Canada's divorce law, which was based on English common law and had undergone no significant change in more than a hundred years. Not until February 1, 1968, was a new Divorce Bill given Royal Assent. The new legislation widened the grounds for divorce, and provided that in relation to divorce proceedings only, a married woman shall have the same right to separate domicile as her husband.

Penal Reform

While campaigning for specific improvements in laws and working conditions, leaders of women's organizations are aware that social attitudes are at least as important as legislation. This is particularly true in the correctional field where informed public opinion about the needs of ex-offenders who have returned to the community helps to create a climate conducive to rehabilitation. Here welfare organizations and after-care agencies such as Elizabeth Fry Societies do useful work. For example, a brief prepared by members of the board of directors of the Elizabeth Fry Society of Kingston, Ontario, was presented to the Solicitor General in November 1966. It called for the creation of a separate plan for the treatment of female offenders in federal custody, to attempt rehabilitation through more individual attention. The brief was endorsed by the Elizabeth Fry Societies in Ottawa and Toronto, and supported by several of the largest women's organizations. A new women's prison incorporating suggestions from the Elizabeth Fry brief will afford women prisoners a constructive rehabilitation programme.

Tax Reform

The National Council of Women began asking for changes in the federal taxation laws in 1947, specifically with regard to succession duties and gift tax. The University Women and Business and Professional Women's Clubs have made similar requests. All three have urged elimination of the double taxation which occurs when both estate tax and income tax are levied upon pensions and annuities. They have also asked for a basic exemption of \$50,000 for all estates for estate tax purposes, and recognition of equality in the marriage partnership whereby half the estate should be considered as having been earned by

the surviving spouse and therefore should be exempt from estate tax while the spouse lives. As a result of these repeated representations some amelioration in the application of the estate tax has been achieved in the 1968 revisions of the Estate Tax Act of 1958.

All three organizations have asked for improvements in the Income Tax laws, which are now undergoing extensive revision.

Women's Representation in Government

The national groups and many others have continued over the years to press for the appointment of a due proportion of qualified women to the Senate, the Judiciary, the Diplomatic Corps and to all governmental Boards, Commissions and Agencies, and as representatives to the United Nations and its specialized agencies. Ten years before Canadian women were declared "persons" by Privy Council decision, the Canadian Federation of University Women, at its founding meeting in 1919, went on record in favour of the appointment of women to the Senate. The same idea was voiced repeatedly by the National Council of Women in resolutions and delegations.

These reminders to the appointing authorities, sometimes timely but more often repeated year after year, have resulted in some appointments of women to Boards and Commissions. The federal Royal Commission on the Status of Women in Canada, announced by the Prime Minister on February 4, 1967, was the outcome of representations made to the government by 33 national organizations representing two million women, affiliated to the Committee for the Equality of Women in Canada which had been formed a year earlier.

9. WOMEN IN THE LABOUR FORCE

During the 19th century in England, the Industrial Revolution drew large numbers of women into factory work. This movement of women into industry was accelerated by the corresponding decline in the importance of agriculture and the shift of population from country to city. New social classes began to appear and become economically powerful. These changes affected women in two ways: working-class women became part of

the new factory class; and middle-class women, now numerous and relatively free from household duties, became aware of social conditions and their responsibilities as citizens.

In Canada, as in England, women carried into industry the skills they had learned at home, such as spinning, weaving, sewing, cooking, cleaning. Since these skills had no monetary value in the home, this tended to establish a low scale of remuneration in industry.

The Toronto Globe of October 28, 1868, reported that even though the number of occupations in which women earned a livelihood had doubled since 1860, the supply of female labour in shops, offices and factories exceeded the demand. Milliners then earned an average of \$1.50 to \$6 per week, and apprentices were generally required to work six months without wages; hoop-skirt makers' wages averaged from \$3 to \$5 a week. Women working in millinery and dressmaking establishments usually worked from 8 a.m. to 6 p.m., with hours extended to 9 or 10 on Saturday nights in the busy season. Some work was taken into the home where, working as a unit, members of the family including children of eight or nine could earn from \$30 to \$35 per week. Girls in domestic service earned an average of \$4 to \$8 and sometimes as much as \$10 per month, with board included.

Clustered in low-paying occupations, women earned consistently less than men. In 1891, when the average wage was \$9.50 a week for a man, \$4.50 per week for women, the 10 leading feminine occupations were still closely associated with household tasks: servant, dressmaker, teacher, farmer, seamstress, tailoress, saleswoman, housekeeper, laundress and milliner.

The First World War brought a great many women out of their homes to work in industry and commerce. The Depression of the 1930's generally forced them back into the home since jobs were scarce and public opinion was strongly in favour of giving available work to the breadwinners. Women came back into industry in even greater numbers in the Second World War. Though the relatively high wages they received made them reluctant to return to domestic duties when the war ended in 1945, government and industry then discouraged married women from working. Not until 1955 were restrictions removed on the employment and promotion of married women in the federal civil service.

During the 1950's and 1960's the movement of women into the labour force has accelerated rapidly. The number of women in gainful occupations in Canada, which had multiplied almost five times between 1901 and 1951, more than doubled again between 1951 and 1967 (238,000 in 1901; 1,147,000 in 1951; 2,365,000 in 1967). In 1901, one worker in 10 was a woman; today, one in three is a woman.

An expanding economy with increased job opportunities for women is drawing them out of the home. Housekeeping innovations such as frozen foods, ready-made clothing and automatic equipment have made it possible for women to run their households while holding a job. Steadily rising living costs have driven married women into the employment market. According to the Survey of Married Women Working for Pay made by the Women's Bureau of the federal Department of Labour in 1958, 70 per cent of all married women then working had husbands whose annual income was less than \$5,000, and for these women financial need far outranked other reasons for working. In addition, one family in 10 has a woman as its sole support.

In 1936, 27.6 per cent of Canadian brides were under 21; in 1965, 43.1 per cent of brides were under 21. At a seminar on "Women at Work" sponsored by the Y.W.C.A. of Montreal in 1961, earlier marriage was cited as one of four tendencies that have interacted to re-fashion the pattern of women's employment, along with the rising marriage rate, the tendency to complete the family in a shorter time, and longer life expectancy. These tendencies, taken in conjunction with the continuing demand for women workers, the growing response to employment on the part of women, and increasingly favourable social attitudes toward married women working, suggest the prediction of the U.S. National Manpower Council that nine out of 10 girls currently in their teens will work, in the course of their lives, an average of 25 years outside the home.

The most economically significant development in the Canadian labour force has been the rapid increase in the proportion of married women. In 1951, 30 per cent of working women were married; in 1967, 53 per cent were married. One working woman in four has children under 16. At the same time, the proportion of single women in the labour force is declining. A generation ago, women tended to drop out of the labour force when they married. Today, women's typical work pattern is divided into two distinct stages, first before she has children

and second when the children are old enough to go to school. This changed working life pattern has affected the average age of women in the labour force. One dramatic change is in the increased employment of women between 45 and 64.

Another significant change, historically, is reflected in the kinds of work women do. Today, half the women workers are concentrated in service and clerical areas; at the turn of the century men did this kind of work. Although women are found in almost all the occupations shown in the census returns, opportunities for advancement to top administrative positions are limited. Few women achieve positions at policy-making levels.

CONCLUSION

To those gallant pioneer women whose works are described in this study, and to all other men and women who have contributed to the evolution of women's rights in the long struggle against very real obstacles, Canada owes a debt of gratitude. The problem for the next 50 years is to make Canada a world in which women can contribute to society not only the talents they have in common with men, but those talents that are uniquely theirs.

Women have been "persons" in their own right for only 40 years. This is scant time in which to shake off the dead hand of tradition. We can reasonably expect that the slow sporadic pace of women's rise to responsible positions of decision-making and administrative leadership will gradually be accelerated, and that in another 40 years Canadian women will have entered the 21st century with a new dimension in their thinking, free from cultural residues from the past and ready to grapple with the problems and opportunities of the future.

Mary Wollstonecraft's message from the 18th century is still appropriate: "I shall first consider women in the grand light of human creatures who, in common with men, are placed on this earth to unfold their faculties."

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